

Chapter 11

BUILDING*

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ARTICLE I. IN GENERAL

Sec. 11-1. Code adopted.

For the purpose of ensuring public safety, health and welfare, insofar as they are affected by building construction, to ensure public safety, health and welfare through proper building maintenance and use and continued compliance with minimum standards of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility, and in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises, that certain code known as the BOCA National Building Code, Thirteenth Edition, 1996, of the Virginia Uniform Statewide Building Code, containing a building code, plumbing code, one (1) and two (2) family residential construction code, and mechanical code, and supplements thereto and that certain code known as the BOCA National Property Maintenance Code, Fifth Edition, 1996, of the Virginia Uniform Statewide Building Code containing a maintenance and housing code and supplements thereto, copies of which are on file in the office of the clerk of council and in the office of the superintendent of inspections of the department of community planning and development, are hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the corporate limits of the city; provided, however, that the provisions of the BOCA National Property Maintenance Code regulating elevators, escalators, and dumbwaiters of Article 6 mechanical and electrical requirements of the Virginia Uniform Statewide Building Code is hereby deleted and repealed and are not incorporated into the Lynchburg City Code. All future editions of the BOCA National Building Code and the BOCA National Property Maintenance Code and all amendments thereto are hereby automatically adopted and incorporated into the city code. (Ord. of 8-14-73, § 3; Ord. No. O-86-278, § 1, 11-25-86; Ord. No. O-88-175, § 1, 7-12-88; Ord. No. O-90-060, 2-27-90; Ord. No. O-91-069, 4-23-91; Ord. No. O-95-022, 2-14-95; Ord. No. O-97-125, 6-10-97)

Sec. 11-2. Code remedial.

The code adopted by this chapter is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through

***Cross references**—Department of public works, § 2-225 et seq.; electricity, Ch. 15; erosion and sediment control, Ch. 16; fences and walls, Ch. 17; fire protection and prevention, Ch. 19; housing and hygiene, Ch. 22; planning, Ch. 30; sewers, Ch. 34; water, Ch. 39; zoning, Ch. 35.1.

State law references—Authority to regulate building of houses, Code of Virginia, § 15.1-15.

structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises. (Ord. of 8-14-73, § B-101.2)

Sec. 11-3. Scope.

(a) The provisions of the code adopted by this article shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(b) No provision of the code adopted by this article shall be held to deprive any federal or state agency, or any municipal authority having jurisdiction, of any power or authority which it had on the effective date of the act from which this article is derived or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law. (Ord. of 8-14-73, § B-101.3)

Sec. 11-4. Violations and penalties.

(a) Any owner or any other person, firm or corporation, or agent who shall violate any provision of this chapter or who shall violate any lawful provision of any rule, regulation or order adopted or made by the building official pursuant to the provisions of this chapter shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00); additionally, if the violation concerns a residential unit and if the violation remains uncorrected at the time of conviction, the Court shall order the violator to obey or remedy the violation in order to comply with the provisions of this article. Except as otherwise provided by the Court for good cause shown, any such violator shall abate or remedy the violation within six (6) months of the date of conviction.

(b) Any owner or any other person, firm or corporation, or agent violating any provisions of this chapter relating to the removal or the covering of lead-base paint which poses a hazard to the health of pregnant women and children under the age of six (6) years who occupy the premises shall, upon conviction, be subject to a fine of not more than twenty-five hundred dollars (\$2,500.00). If the Court convicts pursuant to this subsection and sets a time limit by which such hazard must be abated, each day the hazard remains unabated after the time set for the abatement has expired shall constitute a separate violation of this article. Upon a reasonable showing to the Court by a landlord as defined in Section 55-248.41 of the Code of Virginia, that such landlord is financially unable to abate the lead-base paint hazard, the Court shall order any rental agreement relating to the affected premises terminated effective thirty (30) days from the entry of the Court Order. For the purposes of the proceeding sentence, termination of the rental agreement shall not be deemed non-compliance by the landlord pursuant to Section 55-248.21 of the Code of Virginia.

(c) Any prosecution under this section shall be commenced within two (2) years as provided in Section 19.2-8 of the Code of Virginia.

(d) In addition, the building official shall have the authority to refuse a certificate of occupancy to any person who fails to correct any violation of this chapter within the time prescribed in a written notice from the building official. If such violation shall continue beyond the time specified in said notice, the building official shall have authority to revoke all licenses and permits of such person. (Ord. of 8-14-73, § B-114; Ord. No. O-86-278, § 1, 11-25-86; Ord. No. O-92-342, 11-24-92)

Sec. 11-4.1. Retaliation against tenants prohibited.

Any owner or any other person, firm or corporation, or agent who shall retaliate against a tenant by increasing rent or decreasing services or by terminating a rental agreement because the tenant reported a violation of the provisions of this chapter to the building official or because the tenant cooperated with the building official in an investigation shall be guilty of a violation of this chapter and shall be punished as provided in Section 11-4 of this chapter. (Ord. No. O-92-342, 11-24-92)

Sec. 11-5. Fire districts established.

There are hereby established two (2) fire districts within the city, which shall be known as the first and second fire districts. (Ord. of 8-14-73, § B-118.1)

Cross reference—Fire protection and prevention, Ch. 19.

Sec. 11-6. Description of first fire district.

The first fire district is hereby declared to consist of the area included within the following boundary lines:

Beginning on the south bank of James River, at a point one hundred sixty-five (165) feet east of the most easterly point of intersection of Washington Street with said river; thence with the southerly line of James River up to Ninth Street; thence with the main track of the Norfolk and Western Railway to a point one hundred sixty-five (165) feet beyond the point at which Fifth Street prolonged would cross said railroad; thence by a line parallel to Fifth Street and one hundred sixty-five (165) feet beyond it in a southwesterly direction to a point midway between Church Street and Court Street, thence in an easterly direction along a line midway between Church Street and Court Street to Sixth Street, thence south along Sixth Street to a point 137 feet south of Clay Street; thence in an easterly direction along a line midway between Clay and Madison Streets to a point midway between Washington and Pearl Streets; thence by a line parallel to Washington Street and one hundred and sixty-five (165) feet from it to the point of beginning. (Ord. of 8-14-73, § B-118.2; Ord. No. O-90-320, 10-20-90)

Sec. 11-7. Description of second fire district.

The second fire district is hereby declared to consist of two (2) areas, to be known to be the Main Street section and the Twelfth Street section of the second fire district, and which said areas are included, respectively, within the following boundary lines:

Main Street section. Beginning at a point on the southwesterly line of Commerce Street one hundred sixty-five (165) feet from the intersection of Washington Street; thence along the said southwesterly line of Commerce Street and Elm Avenue to the northerly line of Buena Vista Street; thence along the northerly line of Buena Vista Street to a point one hundred thirty-two (132) feet from the northwesterly line of Main Street; thence along a line parallel with and one hundred thirty-two (132) feet from Main Street to an intersecting point with the first fire district line, which line is one hundred sixty-five (165) feet from Washington Street; thence along a line parallel with and one hundred sixty-five (165) feet from Washington Street to the point of beginning.

Twelfth Street section. Beginning at a point midway between Twelfth and Thirteenth Streets one hundred thirty-two (132) feet west of the westerly property line of Clay Street; thence by a line parallel to Twelfth Street and one hundred sixty-five (165) feet from it in a southwesterly direction to the eastern right-of-way line of the Southern Railway; thence along the right-of-way line of the Southern Railway in a northerly direction to a point one hundred sixty-five (165) feet beyond the northwesterly line of Twelfth Street; thence by a line parallel to Twelfth Street and one hundred sixty-five (165) feet from it in a northeasterly direction to a point on the line of the existing limits of the first fire district; thence along this line three hundred eighty (380) feet, more or less, to the point of beginning. (Ord. of 8-14-73, § B-118.3)

Sec. 11-8. Construction within fire districts.

The provisions of this chapter and other applicable chapters of this Code of ordinances of the city shall govern construction within the fire districts. (Ord. of 8-14-73, § B-118.4)

Sec. 11-9. Existing buildings.

(a) If, within any period of twelve (12) months, alterations or repairs costing in excess of fifty (50) per cent of the then physical value of the building are made to an existing building, such building shall be made

to conform to the requirements of the building code for new buildings, except that for buildings located in fire districts the provisions of sections 303 and 304 of the building code shall apply.

(b) If an existing building is damaged by fire or otherwise in excess of fifty (50) per cent of its then physical value before such damage is repaired, it shall be made to conform to the requirements of the building code for new buildings.

(c) If the cost of such alterations or repairs, or the amount of such damage, is more than twenty-five (25) per cent but not more than fifty (50) per cent of the then physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of the building code for new buildings to such extent as the building official may determine.

(d) For the purpose of this section physical value of the building shall be determined by the building official.

(e) If the occupancy of an existing building is entirely changed, the building shall be made to conform to the requirements of the building code for the new occupancy. If the occupancy of only a portion of an existing building is changed and that portion is separated from the remainder as specified in section 213 of the building code, then only such portion need be made to conform.

(f) Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of the building code or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) per cent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the building code for new buildings. (Ord. of 8-14-73, § B-101.4)

Sec. 11-10. Maintenance.

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the code adopted by this chapter in a building when erected, altered or repaired shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures. (Ord. of 8-14-73, § B-101.5)

Sec. 11-11. Requirements not covered by code.

Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety of the occupants thereof, not specifically covered by the code, adopted by this chapter shall be determined by the building official subject to appeal to the board of adjustments and appeals. (Ord. of 8-14-73, § B-103.5)

Sec. 11-12. Alternate materials, methods of construction.

The provisions of the code adopted by this chapter are not intended to prevent the use of any material, or method of construction not specifically prescribed by this code, provided any such alternate has been approved and its use authorized by the building official. The building official shall approve any such alternate, provided he finds that the proposed design is satisfactory and complies with the provisions of Chapter XII, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. If, in the opinion of the building official, the evidence and proof are not sufficient to justify approval, the applicant may refer the entire matter to the board of adjustments and appeals as specified in Section 11-51 et seq. (Ord. of 8-14-73, § B-103.6)

Sec. 11-13. Liability.

Any officer or employee, or member of the board of adjustments and appeals, charged with the enforcement of the code adopted by this chapter acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the city attorney until the final termination of the proceedings. (Ord. of 8-14-73, § B-103.7)

Sec. 11-14. Repealed. (Ord. No. O-90-154, 5-22-90)**Sec. 11-14.1. Unsafe buildings.**

(a) Definitions: The following words, when used in this section for the purposes of this section, shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

Board: The board of adjustments and appeals established under Chapter 11 of the Lynchburg City Code.

Building: Every building or structure which exists in non-compliance with Sections 107.1 through 107.7 of the Uniform Statewide Building Code, Volume II.

Building official: The building official, or his designee, as defined in Section 11-33 of the Lynchburg City Code.

Occupant: The occupant or occupants of a building in possession under a contract or lease with the owner thereof or the owner's agent, or occupant or occupants of a building in possession under a sublease thereof.

Owner: Every individual, firm or corporation holding legal title to a building appearing of record in the clerk's office of the circuit court of the city, where deeds are recorded, the guardian, if any, of any such owner if he or she is an infant, and the committee, if any, of such owner if he or she is incompetent, and the trustee or mortgagee under any deed of trust or mortgage creating a lien on such building also appearing of record in said clerk's office.

(b) All buildings defined in paragraph (a) of this section are hereby declared to be public nuisances and unfit for human habitation, and shall be made safe through compliance with Volumes I and II of the Virginia Uniform Statewide Building Code and with this section by being repaired or shall be vacated, and either secured against public entry, or taken down and removed as directed by the building official. A vacant building, unsecured or open at door or window, may be deemed a fire hazard and unsafe within the meaning of this section.

(c) Whenever it shall come to the attention of the building official that a building is likely to exist in violation of the provisions of this section, the building official shall inspect or cause an inspection to be made thereof, and shall determine whether the existence of such building is in fact in violation of the provisions of this section. Upon a finding that a building is in violation of the provisions of this section, the building official shall prepare a report to be filed in the Inspection Division's records. In addition to a description of the unsafe or uninhabitable conditions found, the report shall include the use of the building, and nature and extent of damages, if any, caused by a collapse or failure. If a building is found to be unsafe or uninhabitable, the building official shall serve a notice to the owner, the owner's agent or person in control of the unsafe building. Whenever possible, notice of unsafe or uninhabitable building should also be given to the tenants, if any, of the unsafe or uninhabitable building.

(d) The notice shall set forth:

(1) The location of the building;

(2) A statement of the particulars which cause the building to exist in violation of the provisions of this section; and

(3) A statement specifying the required repairs or improvements to be made to the building, or require the unsafe building to be taken down and removed within a stipulated time. Such notice shall require the person notified to declare to the building official without delay acceptance or rejection of the terms of the notice.

(e) The notice shall be given in the following manner:

(1) To the owner, the owner's agent or person in control of the building by delivering a copy thereof to them in person. If the person named in the notice cannot be found after a diligent search, such notice shall be sent by registered or certified mail to the last known address of such person. A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.

(2) To persons who are owners of such buildings who are infants or incompetent by delivering a copy thereof to their guardian or committee in person; or if such guardian or committee cannot be found after a diligent search, such notice shall be sent by registered or certified mail to the last known address of such guardian or committee and a copy of the notice shall be posted in a conspicuous place on the premises. If there be no guardian or committee, notice shall be given by delivering a copy to any person found at the infants' or incompetent's usual place of abode, who is a member of his or her family, other than a temporary sojourner or guest, and who is of the age of sixteen (16) years or older. If such infant or incompetent resides at a residential or treatment facility, notice shall be given by delivering a copy to the officer or official who is in charge of such facility. If a family member or an officer or official cannot be located after reasonable efforts to do so, a copy of the notice may be posted at the front door of the infants' or incompetent's usual abode and a copy of the notice shall also be posted in a conspicuous place on the unsafe or uninhabitable premises. Such procedure shall be deemed the equivalent of personal notice.

(3) To a corporation, bank, trust company or other corporate entity who is the owner of such building or who acts as the owner's agent by delivering a copy thereof to its president or other officer, manager, director or agent thereof in the city; or if such person cannot be found at the regular office or place of business in the city of such corporation, bank, trust company or corporate entity, by delivering a copy to any employee thereof found at such office or place of business giving information of its purport; or if no such person is found at such office or place of business, by leaving such copy posted at the front door of such office or place of business. A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.

(4) If an owner of such building is unknown or has no place of abode, office or place of business in the city, or after reasonable efforts the city cannot locate a last known address, notice shall be given by order of publication, by publishing a copy of the notice in a newspaper of general circulation in the city at least thirty (30) days prior to the demolition of the building and a copy of the notice shall also be posted in a conspicuous place on the premises.

(f) Upon the refusal or neglect of the person served with a notice of unsafe or uninhabitable building to comply with the requirements of the notice to abate the unsafe or uninhabitable condition, the building official may revoke the certificate of occupancy. In the case of a vacant building, including one vacated through revocation of the certificate of occupancy, the building official may cause the building to be closed through any available means.

(g) When, in the opinion of the building official, there is an actual and immediate danger of failure or collapse of a building or any part of a building which would endanger life; or when any building or part of a building has fallen and life is endangered by occupancy of the building; or when any other hazardous condition poses an immediate and serious threat to life; or when a building or other structure is declared a public nuisance, or unfit for human habitation, the building official may order the occupant to immediately vacate the building. The building official shall post a notice at each entrance to such building that reads:

“THIS STRUCTURE IS UNSAFE OR UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL”. Upon the posting of the notice no person shall enter such a building except upon authorization of the building official for one of the following purposes: (i) make the required repairs; (ii) to take the building down and remove it; or (iii) to make inspections.

(h) When, in the opinion of the building official, there is immediate danger of collapse or failure of a building or any part of a building which would endanger life, or when a violation results in a fire hazard or results in a condition that creates an immediate, serious and imminent threat to the life and safety of the occupants or the public, the building official may demolish the building or have the necessary work done to repair and make the building or any part of the building temporary safe, whether or not legal action to force compliance has begun. For the purposes of this section, repair may include maintenance to the exterior of a building to prevent deterioration of the building or adjacent buildings. The costs or expenses of such demolition or work shall be chargeable to and paid by the owner of such property, and all costs incurred thereby shall be added to the taxes assessed against the real estate on which the building stood for the ensuing tax year and shall be collected in the same manner as real estate taxes are paid and collected as prescribed in Section 36-171 of the Lynchburg City Code; every charge authorized by this section which remains unpaid will constitute a lien against such property.

(i) Appeal to the board of adjustments and appeals.

(1) The owner of a building or the owner's agent may appeal from a decision of the building official the city's board of adjustments and appeals within twenty (20) days after the date the notice of the building official was served when it is claimed that:

(a) The building official has refused to grant a modification of the provisions of either Volumes I or II of the Virginia Uniform Statewide Building Code;

(b) The true intent of Volumes I or II of the Virginia Uniform Statewide Building Code has been incorrectly interpreted;

(c) The provisions of Volumes I or II of the Virginia Uniform Statewide Building Code or this section do not fully apply;

(d) The use of a form of compliance that is equal to or better than that specified in Volumes I and II of the Virginia Uniform Statewide Building Code or this section has been denied.

(2) Applications for appeals shall be submitted in writing to the board of adjustments and appeals.

(3) The board shall meet upon notice of the chairman or at stated periodic meetings if warranted by the volume of work. The board shall meet within twenty (20) working days of the filing of an appeal.

(4) All hearings shall be public in accordance with the Virginia Freedom of Information Act. The appellant, the appellant's representative, the building official and any other person whose interest may be affected by the matter on appeal, shall be given an opportunity to be heard.

(5) A quorum shall be more than fifty percent (50%) of the board. When a quorum of the board, as represented by members or alternatives, is not present to consider a specific appeal, either the appellant, the building official or the representatives may, prior to the start of the hearing request a single postponement of the hearing of up to ten (10) working days. A vote equivalent to the majority of the quorum of the board is required to reverse or modify the decision of the building official.

(6) Every action of the board on an appeal shall be by resolution. A certified copy shall be furnished to the appellant and the building official.

(7) The building official shall take immediate action in accordance with the decision of the board. Decisions of the board shall be final, if no appeal is made to the State Building Code Technical Review Board. Any person aggrieved by a decision of the board, who was a party to the appeal, may appeal the

board's decision to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board with fifteen (15) days of the receipt of the decision of the board by the aggrieved party.

(8) Upon the receipt of the written decision of the State Building Code Technical Review Board, the building official shall take immediate action in accordance with the decision.

(9) Decision of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board shall be to the circuit court of original jurisdiction in accordance with the provision of the Administrative Process Act, Article 4 of Chapter 1.1:1 of Title 9 of the Code of Virginia.

(10) Every owner or occupant who shall fail, refuse or neglect to comply with the order of the building official, or otherwise violates the provisions of this section, shall be punished in accordance with the provisions of Sections 11-4 and 1-12 of the Lynchburg City Code. (Ord. No. O-90-154, 5-22-90; Ord. No. O-96-191, 6-25-96)

Sec. 11-15. Contractor's license and bond required.

(a) It shall be the duty of every contractor or builder or demolition contractor, who shall make contracts for the erection or construction or repair or demolition of buildings or structures for which a permit is required, in the city, and every contractor or builder or demolition contractor making such contracts and/or subletting the same, or any part thereof, to pay a license tax as provided in Chapter 36, and to register his name in the book provided for that purpose with the building official, giving full name, residence and place of business, and, in case of removal from one place to another in the city to have made corresponding change in said register accordingly; and it shall be the further duty of every such person making such contracts and/or subletting the same or part thereof in the amount of one thousand five hundred dollars (\$1,500.00) or more but less than forty thousand dollars (\$40,000.00) to give good and sufficient bond in the sum of five thousand dollars (\$5,000.00) to be approved by the city attorney, conditioned to conform to the Virginia Uniform Statewide Building Code regulations, the regulations of this section, and other ordinances of the city in reference to buildings.

(b) No contractor or builder will be allowed to engage in the construction, removal, repair or improvement of any building or structure of a public or private nature:

(1) When the total value of such work referred to in a single contract or project is forty thousand dollars (\$40,000.00) or more; or

(2) When the total value of such work undertaken by such person within any twelve (12) month period is three hundred thousand dollars (\$300,000.00) or more; unless said contractor is registered with the state registration board for general contractors in the Commonwealth of Virginia as a class "A" contractor. (Ord. of 8-14-73, § B-106.2; Ord. No. O-84-179, § 1, 6-26-84, eff. 7-1-84)

Cross reference—Contractor's and contracting license fee, § 36-124.

Sec. 11-16. Floor loads—Establishment.

(a) No existing or new building shall be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The building official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

(b) It shall be the responsibility of the owner, agent, proprietor or occupant of group F and G occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot

uniformly distributed; it shall thereupon be filed as a permanent record of the department of building. (Ord. of 8-14-73, § B-110.1)

Sec. 11-17. Same—Signs required.

In every building or part of a building used for business storage, industrial or hazardous purposes, the safe floor loads, as approved by the building official, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building. (Ord. of 8-14-73, § B-110.2)

Sec. 11-18. Same—Loads in excess of posted capacity.

No owner of a building shall place, or permit to be placed, on any floor of a building a greater load than the safe load so determined and posted. (Ord. of 8-14-73, § B-110.3)

Sec. 11-19. Signs to comply.

The owner or tenant of the property on which any sign is maintained or erected in conflict with the provisions of the building code may, after due notice, be required by the judge of the general district court of the city to cause such sign to conform with the provisions of the building code, or to remove such sign from the premises, and from such order requiring such conformity or removal, an appeal shall lie for each party. (Ord. of 8-14-73, § B-116)

Sec. 11-20. Repealed (Ord. No. O-97-206, 10-14-97)

Sec. 11-21. Fire suppression systems, where required.

(a) In accordance with the authority specified in Section 15.1-37.3:7 of the Code of Virginia, fire suppression systems shall be installed and maintained in full operating condition in all buildings fifty (50) feet or more in height for which building permits are issued after the adoption of this ordinance.

(b) For purposes of this article, the height of a building shall mean the vertical distance from the grade to the top of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a high roof. If the building faces on more than one (1) street, the height shall be measured from the average of the grade at the center of each street front. (Ord. of O-87-047, § 1, 3-10-87)

Sec. 11-21.1. Definitions—When used in this article.

(a) “Fire suppression system” for purposes of this article shall mean a mechanical system designed and equipped to detect a fire, actuate an alarm and to suppress a fire.

(b) “Owner” for purposes of this article shall mean one (1) or more persons who, alone or jointly or severally with others:

(1) Shall have the legal title to any building, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any building, as owner or as agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. The term “owner” shall also include a tenant, a lessee and a mortgagee in possession. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and with the rules and regulations adopted pursuant hereto, to the same extent as if he were the owner.

(c) “Building” for purposes of this article shall mean any structure used or intended for supporting or sheltering any use or occupancy, which is fifty (50) feet or more in height. (Ord. No. O-87-047, § 1, 3-10-87)

Sec. 11-21.2. Installation requirement.

Appropriate permits as required must be secured from the division of inspections for the installation of fire suppression systems. The types of fire suppression systems installed, the location of the fire suppression systems, and the care and maintenance of the fire suppression systems shall be governed by the applicable provisions of Volumes I and II of the Virginia Uniform Statewide Building Code, the applicable provisions of the Lynchburg building code and the applicable provisions of the National Fire Protection Association 13 (Standard for the Installation of Sprinkler System). (Ord. No. O-87-047, § 1, 3-10-87)

Sec. 11-21.3. Responsibility of owner.

The owner of every building as defined herein shall be responsible for the installation, care and maintenance of the fire suppression system. A fire suppression system shall not be discontinued or otherwise rendered inoperable without first notifying the Lynchburg fire department. When a fire suppression system is interrupted for repair or other necessary reasons, the owner shall immediately advise

the Lynchburg fire department and shall diligently pursue the restoration of the fire suppression system. (Ord. No. O-87-047, § 1, 3-10-87)

Sec. 11-21.4. Maintenance and repair.

It shall be the responsibility of the owner of a building as defined herein to install, maintain, repair and to provide for interim testing of all fire suppression systems. The owner shall be obligated to promptly repair or replace a malfunctioning fire suppression system. (Ord. No. O-87-047, § 1, 3-10-87)

Sec. 11-21.5. Article not exemption from compliance with code.

Nothing in this article shall exempt any owner from compliance with all other applicable laws, ordinances, regulations, standards and the provisions of Volumes I and II of the Virginia Uniform Statewide Building Code and the Lynchburg building code pertaining to the installation or maintenance of fire suppression systems. (Ord. No. O-87-047, § 1, 3-10-87)

Sec. 11-21.6. Penalties. (Repealed)

Editor's note—Sec.11-21.6 was repealed by Ord. No. O-92-342, adopted 11-24-92.

Secs. 11-22—11-32. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 11-33. Building official.

(a) There is hereby continued in the department of community planning and development of the city a division of inspections, which shall be in direct charge of a superintendent of the division, who is hereinafter referred to in this case as the “building official.” The division of inspections shall be responsible for ensuring compliance with the requirements of the code. The division of inspections shall have the authority to delegate duties and powers to the city fire marshal's office, the Lynchburg health department and other appropriate agencies to assist the division of inspections in the enforcement of this code. Whenever the words “building department” or “department” are used in the codes adopted by this chapter, they shall mean the division of inspections, and all other agencies to which the division of inspections delegates enforcement powers, except where the context clearly indicates a different meaning.

(b) A building official shall have had at least two (2) years' experience as an architect, structural engineer, building inspector or superintendent of building construction. (Ord. of 8-14-73, § B-102.1; Ord. No. O-86-278, § 1, 11-25-86)

Sec. 11-34. Inspectors.

The director of community planning and development, with the approval of the city manager, may appoint such number of inspectors, assistants and other employees as shall be authorized by council. (Ord. of 8-14-73, § B-102.2)

Sec. 11-35. Deputy.

The director of community planning and development may designate as deputy for the building official an employee of the division who shall, during the absence or disability of the building official, exercise all the powers of the building official. (Ord. of 8-14-73, § B-102.3)

Sec. 11-36. Restrictions on employees.

No official or employee connected with the inspections division, except one whose only connection is as a member of the board established by this chapter, shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building or in the making of plans or specifications therefor, unless he is the sole owner of such building. No such official or employee shall engage in any work which is inconsistent with his duties or with the best interest of the inspections division. (Ord. of 8-14-73, § B-102.4)

Sec. 11-37. Right of entry.

The building official shall enforce the provisions of the code adopted by this chapter, and he, or his duly authorized representative, may enter any building, structure or premises in the city to perform any duty imposed upon him by the building code. (Ord. of 8-14-73, § B-103.1)

Sec. 11-38. Stop work orders.

Upon notice from the building official that work on any building or structure is being done contrary to the provisions of the code adopted by this chapter, or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the building official. (Ord. of 8-14-73, § B-103.2)

Sec. 11-39. Records.

The building official shall keep comprehensive records of applications, of permits issued or certificates issued, of all inspections made and of notices or orders issued. He shall retain on file copies of required plans and all other documents relating to building work so long as any part of the building or structure to which they relate may be in existence. The records of the department shall be open to public inspection at office hours observed by the municipality, but shall not be removed from the office of the inspections division. (Ord. of 8-14-73, § B-102.5)

Sec. 11-40. Reports.

The building official shall annually submit a report to the director of community planning and development covering the work of the department during the preceding year. He shall incorporate in said report a summary of the decisions of the board of adjustments and appeals during said year. (Ord. of 8-14-73, § B-103.8)

Sec. 11-41. Setback building lines—General provisions; penalty.

(a) Whenever any setback building line is established in this article, such setback building lines shall not apply to any buildings or structures already erected, but all new buildings and structures shall be erected with their front on or back of said line, and no porches, windows or other portions of any buildings or structures shall extend beyond the said setback building line in the direction of the street along which said setback building line is established; provided however, that in any case where a greater setback line is provided by the city's zoning ordinance, as the same may now exist or hereafter be amended, the provisions of the city's zoning ordinance shall apply.

(b) The owner of any building or structure erected in violation of this section shall be deemed guilty of a class 4 misdemeanor for each day that each building or structure shall not be removed after notice from the city to do so. (Ord. of 8-14-73, § B-117.1)

Cross references—Planning, Ch. 30; zoning, Ch. 35.1.

Sec. 11-42. Same—Along certain specified streets.

(a) Twelfth Street. Along each side of Twelfth Street, from Main Street to Harrison Street, a setback building line is hereby established, which line, within said area, shall be nine (9) feet distant from the outside face of the nearest curb and parallel thereto.

(b) Fifth Street. Along each side of Fifth Street from Main Street to Monroe Street a setback building line is hereby established, which line, within said area, shall be nine (9) feet distant from the outside face of the nearest curb and parallel thereto.

Along each side of Fifth Street from Monroe Street to Fifth Street Viaduct a setback building line is hereby established, which line, within said area, shall be five (5) feet distant from the street right-of-way or property line as established and existing on May 7, 1945, and parallel thereto.

(c) Fort Avenue. Along the northwesterly side of Fort Avenue between the Norfolk and Western Railway and Griffin Street a setback building line is hereby established, which line, within said area, shall be nine (9) feet distant from the outside face of the nearest curb and parallel thereto.

(d) Memorial Avenue. Along each side of Memorial Avenue from Fifth Street Viaduct to Fort Avenue a setback building line is hereby established, which line, within said area, shall be five (5) feet distant from the street right-of-way or property line as established and existing on May 7, 1945, and parallel thereto, except that on the westerly side of Memorial Avenue between Oakridge Boulevard and Fort Avenue the said setback line shall run as follows: Beginning at a point where the westerly line of Memorial Avenue meets the southerly line of Oakridge Boulevard; thence along said westerly line of Memorial Avenue S. 13 deg. 18 min. W. 52.15 feet; thence leaving said line of Memorial Avenue S. 21 deg. 46 min. W. 121.95 feet; thence S. 23 deg. 51 min. W. 67.1 feet to a point on said westerly line of Memorial Avenue; thence S. 25 deg. 03 min. W. 183 feet to the northwesterly line of Fort Avenue.

(e) Main Street. Along the easterly side of Main Street between Twelfth Street and Ruby Street, and along the westerly side of Main Street beginning at a point one hundred forty-five (145) feet south of the point where said westerly line of Main Street intersects the southerly line of Thirteenth Street, and thence along said westerly line of Main Street to Race Street a setback building line is hereby established, which line, within said areas, shall be five (5) feet distant from the present street right-of-way or property line and parallel thereto.

(f) Seventh and Eighth Streets. Along the northwesterly side of Seventh Street between Court Street and Park Avenue and along the southeasterly side of Seventh Street between Court Street and a point seventy-eight (78) feet southwest of the point where the southeasterly line of Seventh Street intersects the southwesterly line of Taylor Street, and along each side of Eighth Street between Court Street and Park Avenue, a setback building line is hereby established, which line, right-of-way or property line and parallel thereto. (Ord. of 8-14-73, § B-117.2)

Secs. 11-43—11-50. Reserved.**DIVISION 2. BOARD OF BUILDING CODE APPEALS****Sec. 11-51. Composition.**

There is hereby continued in the city a board to be called the board of building code appeals, which shall consist of seven (7) members. If qualified volunteers are available the members of the board shall include one member who is a licensed architect, one member who is a licensed engineer, one member who is an insurance professional, two members from the professional building trades, one experienced property manager and one citizen members from the city at-large. In the event qualified volunteers for one or more of the designated categories of members are not available, city council shall select at-large members on the basis of their ability to render fair and competent decisions regarding the application of the building and fire

codes. At least one member of the board should be an experienced builder and one member a licensed professional engineer or architect and one member an experienced property manager. (Ord. of 8-14-73, § B-111.1; Ord. No. O-80-266, § 1 (B-111.1), 9-23-80; Ord. No. O-84-242, § 1, 9-25-84; Ord. No. O-97-006, 1-14-97; Ord. No. O-00-245, 11-14-00)

Sec. 11-52. Appointment.

The members of the board of building code appeals shall be appointed by the city council. (Ord. of 8-14-73, § B-111.1; Ord. No. O-80-266, § (B-111.1), 9-23-80; Ord. No. O-97-006, 1-14-97)

Sec. 11-53. Term of office.

The present membership of the board of building code appeals, heretofore appointed by the city manager, are hereby reappointed and continued in office for the duration of their present terms, and thereafter they shall be appointed for terms of four (4) years. (Ord. of 8-14-73, § B-111.2; Ord. No. O-80-266, § (B-111.2), 9-23-80; Ord. No. O-97-006, 1-14-97)

Sec. 11-54. Vacancies.

Vacancies occurring in the membership of the board of building code appeals shall be filled for the unexpired term in the manner in which original appointments are required to be made. (Ord. of 8-14-73, § B-111.2; Ord. No. O-80-266, § 1 (B-111.2), 9-23-80; Ord. No. O-97-006, 1-14-97)

Sec. 11-55. Chairman.

The board of building code appeals shall elect its own chairman from its membership. (Ord. of 8-14-73, § B-111.; Ord. No. O-80-266, § 1 (B-111.1), 9-23-80; Ord. No. O-97-006, 1-14-97)

Sec. 11-56. Quorum.

(a) Four (4) members of the board of building code appeals shall constitute a quorum. In varying the application of any provisions of the building code or in modifying an order of the building official, affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. No board member shall act in a case in which he has a personal interest.

(b) When five members of the board of building code appeals are not present to hear an appeal, either the applicant or the applicant's representative shall have the right to request a postponement of the hearing. The board shall reschedule the appeal within thirty (30) calendar days of the postponement, or a longer period of time if agreed to by all parties to the appeal. (Ord. of 8-14-73, § B-111.3; Ord. No. O-80-266, § (B-111.3), 9-23-80; Ord. No. O-97-006, 1-14-97; Ord. No. O-00-245, 11-14-00)

Sec. 11-57. Records.

The building official shall act as secretary of the board of building code appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote. (Ord. of 8-14-73, § B-111.4; Ord. No. O-80-266, § 1 (B-111.4), 9-23-80; Ord. No. O-97-006, 1-14-97)

Sec. 11-58. Procedure.

The board of building code appeals shall establish rules and regulations for its own procedure not inconsistent with the provisions of the building code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within thirty (30) calendar days after a notice of appeal has been received. Notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least fourteen (14) calendar days prior to the date of the hearing. Less notice may be given if agreed upon by the applicant. (Ord. of 8-14-73, § B-115.5; Ord. No. O-80-266, § 1 (B-111.5), 9-23-80; Ord. No. O-97-006, 1-14-97)

Sec. 11-59. Appeals.

(a) Whenever the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of the building code do not apply, or when it is claimed that the true intent and meaning of the building code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the building official to the board of building code appeals. Notice of appeal shall be in writing and filed within twenty-one (21) days after the decision is rendered by the building official. Failure to submit an application for appeal within twenty-one (21) days shall constitute acceptance of the building official's decision.

(b) In case of a building or structure which, in the opinion of the building official, is unsafe or dangerous, the building official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the building official. (Ord. of 8-14-73, § B-112.1; Ord. No. O-97-006, 1-14-97)

Sec. 11-60. Variations and modifications.

(a) The board of building code appeals, when appealed to and after a hearing, may vary the application of any provision of the building code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of the building code or public interest, or when, in its opinion, the interpretation of the building official should be modified or reversed.

(b) A decision of the board of building code appeals to vary the application of any provision of the building code or to modify an order of the building official shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor. (Ord. of 8-14-73, § B-113.1; Ord. No. O-97-006, 1-14-97)

Sec. 11-61. Decisions.

(a) Every decision of the board of building code appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the building official, and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two (2) weeks after filing.

(b) The board of building code appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.

(c) If a decision of the board of building code appeals reverses or modifies a refusal, order or disallowance of the building official, or varies the application of any provision of the building code, the building official shall immediately take action in accordance with such decision.

(d) The board of building code appeals shall recommend to council, through the city manager, from time to time, such amendments to the building code as in their opinion and from their experience are necessary and advisable. (Ord. of 8-14-73, § B-113.2; Ord. No. O-97-006, 1-14-97)

DIVISION 3. RENTAL PROPERTY INSPECTIONS.**Sec. 11-62. Purpose and intent.**

This division is adopted to ensure the public health, safety and welfare in rental dwellings and dwelling units located within those areas of the city determined by City Council herein to be in need of a special program of housing inspections. This program is designed and intended to prevent property

deterioration and neighborhood blight in designated areas by requiring proper building maintenance and continued compliance with applicable building regulations. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.1. Definitions.

(a) Generally. Certain words and phrases used in this division shall have the meanings prescribed to them by this section, except in the instances where the context clearly indicates a different meaning.

(b) Director. The word “director” shall mean the director of the department of community planning and development, or such employee(s) of the department of community planning and development as the director may designate to administer and enforce this division.

(c) Dwelling. The word “dwelling” shall mean any building or structure which meets the definition of “dwelling” found in Article 2 of the Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code.

(d) Dwelling unit. The word “dwelling unit” shall be as defined by Article 2 of the Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code.

(e) Managing agent. The word “managing agent” shall mean any individual, association of individuals, corporation, partnership or other entity having the authority, singly or in combination with another, to enter into any agreement for the occupancy of property subject to this division.

(f) Owner. The word “owner” shall mean any individual or individuals, corporation, partnership or other entity, jointly or severally, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to present use and enjoyment of property that is subject to this division, including a mortgagee.

(g) Property. The word “property” shall mean dwellings and dwelling units which are leased or rented in whole or in part, to tenants for valuable consideration. The word “property” shall include dwellings occupied under a lease/purchase agreement. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.2. Effective date and applicability.

The provisions of this division shall become effective on January 1, 1994, and shall be applicable to all dwellings and dwelling units that are located in the following areas of the city:

That area of the city designated as census tract #2.03 by the 1990 Census Data.

That area of the city designated as census tract #4 by the 1990 Census Data.

That area of the city designated as census tract #5.98 by the 1990 Census Data.

That area of the city designated as census tract #6 by the 1990 Census Data.

That area of the city designated as census tract #7 by the 1990 Census Data.

That area of the city designated as census tract #11 by the 1990 Census Data.

That area of the city designated as census tract #12 by the 1990 Census Data.

That area of the city designated as census tract #13 by the 1990 Census Data.

The census tracts identified above encompass that area of the City beginning at the intersection of Concord Turnpike and Rockwell Road north along a unnamed creek to the James River and the corporate limits of the City, thence northwest along the corporate limits to the Norfolk Southern Railway tracks near Riverside Park, thence south along said tracts to Blackwater Creek, northwest along Blackwater Creek to an unnamed tributary creek, along said tributary southwest to the intersection of Page Street and Middlesex Avenue, northwest on Page Street to Atherholt Road following said road southeast to Langhorne

Road; continuing on Langhorne Road southeast to Murrell Road, southwest on Murrell Road to Lakeside Drive and Allegheny Avenue, thence southeast on Allegheny Avenue to Memorial Avenue; southwest on Memorial Avenue to Twelfth Street continuing on Twelfth Street to its intersection with the Norfolk Southern Railway tracks, south along said tracts to a railroad intersection continuing southeast along Norfolk Southern Railway tracks to their intersection of Martin Street and Old Courthouse Turnpike; thence north on Old Courthouse Turnpike to the 460 By-pass and Terry Court continuing north to Martin Street and Campbell Avenue; then proceeding across Campbell Avenue to Florida Avenue, north on Florida

Avenue to the bridge over the Norfolk Southern Railway tracks thence east along the unnamed creek to the point of beginning. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.3. Certificate of occupancy/certificate of compliance required.

(a) No owner, managing agent, or other person in control of any dwelling or dwelling unit located in the areas covered by this division shall make such property initially available as rental property until said dwelling or dwelling unit shall have been inspected prior to occupancy and shall have been determined to have been in compliance with Volume II - Building Maintenance Code of the Virginia Uniform Statewide Building Code and all other applicable codes, standards and ordinances. Such compliance shall be evidenced by a certificate of occupancy or certificate of compliance issued by the director of community planning and development.

(b) Except in the case of an emergency involving a threat to life and property, as determined by the director of the department of community planning and development, no electric power company or gas company shall commence initial electrical or gas service to a dwelling or dwelling unit subject to this division, or continue service unless or until a valid certificate of occupancy or temporary certificate of occupancy or certificate of compliance has been issued for such property. The director shall promptly notify the electrical power company or gas company of the issuance of a certificate of occupancy or temporary certificate of occupancy or certificate of compliance. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.4. Notice by owner, etc.

(a) On or before January 1 of each year, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall furnish the department of community planning and development, in writing, with a list of all rental properties that they own or manage in those areas of the city that are covered by this division. Such written notice shall include the address and a brief description of the rental property; the name, street address and telephone number of the owner of the property; the name, street address and telephone number of the managing agent, if any; and the name, street address and telephone number of the person that is responsible for maintaining the rental properties.

(b) In the event the director of community planning and development furnishes the owner or managing agent with information forms requesting certain information regarding rental properties, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall complete such forms and return them to the director within the designated time period.

(c) It shall be a violation of this division for an owner or managing agent to fail or refuse to provide the department of community planning and development with such information or to provide false or misleading information. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.5. Inspection of rental properties.

(a) The director of community planning and development shall cause an inspection to be made of each dwelling or dwelling unit located in those areas of the city covered by this division on a biennial basis. After such inspection, the owner and the managing agent, if any, will be provided with a list of any violations found and the date by which such violations must be corrected. The failure to correct such violations within the designated time period shall constitute a violation of this division and also may result in revocation of the certificate of occupancy.

(b) Upon determination that the dwelling or dwelling unit is in compliance with Volume II - Building Maintenance Code of the Virginia Uniform Statewide Building Code and all other applicable codes, standards and ordinances, a certificate of compliance will be issued to the owner or managing agent. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Section 11-62.6. Inspection fees.

There shall be no charge for the initial inspection. In the event any repairs or corrections are deemed necessary and a second inspection is required, there shall be no charge for the second inspection. In the event a third or subsequent inspection is required, the owner shall be charged an inspection fee of twenty-five dollars (\$25.00) for each inspection of a dwelling or dwelling unit. No certificate of compliance shall be issued until all inspection fees have been paid. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.7. Entry.

For the purpose of enforcing provisions of this division, the director of the department of community planning and development, or his duly authorized agent, shall have the right to inspect any dwelling or dwelling unit within designated areas identified in Section 11-62.2 of this division at any reasonable time. In the event the director of community planning and development, or his duly authorized agents shall be denied access to a dwelling or dwelling unit may apply for an administrator search warrant in order to gain access to the premises. It shall be a violation of this division for any owner, managing agent, tenant, or other person, to deny the director of community planning and development, or his duly authorized agent, access to any dwelling or dwelling unit within the areas covered by this division. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.8. Violations.

(a) It shall be unlawful for any owner, managing agent, or other person to fail to comply with the requirements contained in this division.

(b) Any person failing to comply with the requirements of this division shall be guilty of a class 2 misdemeanor. Each day such violation continues shall constitute a separate punishable offense. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.9. Enforcement.

The director of community planning and development and his authorized agents are hereby empowered to enforce all of the provisions of this division, to act pursuant to the authority contained herein and to perform all the duties required thereby. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.10. Temporary waiver.

(a) Any owner or managing agent whose rental property is inspected and found not to be in compliance with the code may petition the director of community planning and development, in writing, for a temporary waiver of compliance. The petition shall be on a form provided by the director and shall contain the information therein requested and which may be reasonably necessary to its decision, and shall include a written statement signed by the applicant, acknowledging the actions needed, specifying the anticipated date of beginning and completion of the work, and if known, the name of the person or company that will perform the work. If the director finds that:

1. The delay in the correction of the violation is reasonable, taking into the consideration the availability of qualified persons to do the work and the current work load; and

2. The work can be reasonably undertaken and completed while the premises are occupied or that appropriate provision has been made for housing the tenant elsewhere when the dwelling or dwelling unit will not be habitable because of the work of correcting violations;

the director may issue a temporary waiver of compliance which will allow a reasonable period of time to achieve compliance. This period shall not be less than thirty (30) days nor more than one hundred and twenty (120) days. The applicant shall, on or before such date, request a reinspection and pay any registration fee that may be required by Section 11-62.6 of this division.

(b) No waiver granted under this section shall be valid unless in writing and signed both by the director or his designee and the applicant. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Sec. 11-62.11. Severability.

The provisions of this division are intended to be severable, and if any such provision be deemed or adjudged to be invalid or unenforceable, the remaining portions of this division shall remain in full force and effect with their validity unimpaired. (Ord. No. O-93-262,9-28-93, eff. 1-1-94)

Secs. 11-63—11-71. Reserved.

DIVISION 4. VACANT BUILDING REGISTRATION.

Sec. 11-72. Vacant building registration.

(a) On or before January 1 of each year, the owner or managing agent, or a duly authorized representative acting on behalf of the owner or managing agent, shall register with the department of community planning and development on forms developed by community planning and development, with the address of any buildings they own or manage which have been vacant for a continuous period of twelve months or more. Every person filing registration forms with the department of community planning and development shall pay an annual registration fee of twenty-five dollars (\$25.00) to defray the cost of processing the registration.

(b) Any person who fails to register a vacant building by the January 1 deadline shall be subject to a fifty dollar (\$50.00) civil penalty. Any person who fails to register any vacant building that is located in a conservation and rehabilitation district or any building that has been designated as blighted pursuant to the provisions of Section 36-49.1:1 of the Code of Virginia, shall be punished by a civil penalty not exceeding two hundred fifty dollars (\$250.00) for each building that is not registered.

(c) At least thirty (30) days prior to the assessment of any civil penalty community planning and development shall mail the owner, or managing agent, or the duly authorized representative acting on behalf of the owner or managing agent, at the address to which property tax notices are sent notice of the failure to comply with the registration requirements of this section. (Ord. No. O-00-105, introduced 5-9-00, adopted 5-23-00, eff. 7-1-00)

ARTICLE III. PERMITS

Sec. 11-73. Required.

Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect or construct a sign of any description, or to install or alter fire-extinguishing apparatus, elevators, engines or to install a steam boiler, furnace, heater, incinerator or other heat producing apparatus, or other appurtenances, the installation of which is regulated by the building code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit therefor. (Ord. of 8-14-73, § B-105.1(a))

Sec. 11-74. Exceptions.

No building permit will be required for the installation of store fixtures, counters, painting or decorating, or for minor repairs, as defined in section 201 of the building code. (Ord. of 8-14-73, § B-105.1(c))

Sec. 11-75. Scope.

A general building permit shall carry with it the right to install in any building or structure, or any part thereof, heating apparatus, elevators, sidewalk elevators, coal holes, steam power boilers, steam, oil or gas heating equipment, providing the same are shown on the drawings and set forth in the specifications filed

with the application for the permit; but where they are not shown on the drawings and covered by the specifications submitted with the said application, special permits for their installation shall then be required. (Ord. of 8-14-73, § B-105.1(b))

Sec. 11-76. Failure to obtain.

If any person commences any work on a building or structure before obtaining the necessary permit from the city, he shall be subject to the penalty prescribed herein. (Ord. of 8-14-73, § B-107.2)

Sec. 11-77. Application.

(a) Each application for a permit with the required fee shall be filed with the building official on a form furnished by him, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent.

(b) Each application for a permit shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the building official. (Ord. of 8-14-73, § B-105.2)

Sec. 11-78. Drawings and specifications.

(a) When required by the building official, two (2) or more copies of plans and specifications drawn to scale with sufficient clarity and detail to indicate the material and character of the work shall accompany each application. Such drawings and specifications shall contain information in the form of notes, or otherwise, as to the quality of materials, where quality is essential to conformity with the building code. Such information shall be specific and the building code shall not be cited as a whole or in part, nor shall the term "legal", or its equivalent, be used as a substitute for specific information. The owner, or his agent, shall notify the building official of any change in plans as originally submitted, and shall submit detailed plans covering such changes to the inspections division before the work as covered by such changes is undertaken.

(b) The building official may require detailed computations, stress, diagrams and other data necessary to describe the construction and basis of calculations and they shall bear the signature of the person responsible for the design.

(c) All drawings and specifications for buildings and structures shall bear the signature of the owner or his agent.

(d) No permit shall be issued for any building under groups A and I classifications as set out under section 202.0 of the building code regardless of the cost of such structure, or for any other building of a public or semipublic nature; such as an office building, apartment house, hotel, dormitory, lodging house, city or state building, if the same exceeds more than two (2) stories in height and costs more than twenty thousand dollars (\$20,000.00); or any other building of any classification when, in the opinion of the building official the services of an engineer or an architect are required to guarantee the safety of such structure, unless the plans and specifications therefor shall have been made and the construction is to be supervised by a licensed engineer or architect who is certified in the state. (Ord. of 8-14-73, § B-105.3)

Sec. 11-79. Plot diagram.

The building official may require drawings showing the location of the proposed building or structure and of every existing building or structure on the site or lot. He may also require a boundary line survey, if necessary, prepared by a qualified surveyor. If, in the opinion of the building official, there is some doubt as to the true street line, he can request the director of community services to establish such street line. (Ord. of 8-14-73, § B-105.4)

Sec. 11-80. Examination of drawings.

The building official shall examine or cause to be examined each application for permit and the drawings and computations filed therewith and shall ascertain by such examination whether the construction indicated and described is in accordance with the requirements of the building code and all other pertinent laws or ordinances. If the plans submitted conform to the laws as to egress, type of construction and general arrangement and are accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the building code as to strength, stresses, strains, loads and stability and are filed and sworn to by an architect or engineer, the building official may without further examination accept such affidavit; provided that the architect or engineer who made such affidavit agrees to submit to the building official, on the completion of the structure, a certification that the structure has been erected in accordance with the requirements of the building code. (Ord. of 8-14-73, § B-105.6)

Sec. 11-81. Services and utilities.

It shall be the duty of the owner, authorized agent or the contractor before securing any permit for construction to check with the proper city departments as to the existing location, size and depth of sewer lines adjacent to the proposed site of construction; the existing location and size of waterlines, the existing or proposed grade of the street and any other information which might have a bearing on the proposed construction. (Ord. of 8-14-73, § B-105.7)

Sec. 11-82. Action on application.

(a) The city planning commission shall cause a copy of any master plan or general land use plan for the development of the city, and all amendments thereto, which have been approved by city council, to be filed in the office of the building official, and before the building official shall consider the application for a building permit to erect, construct, add to, enlarge, alter, repair, move, convert or extend any building, structure or sign, the estimated cost of which shall exceed one thousand dollars (\$1,000.00), the building official shall ascertain from the city planning director whether the property involved in the application is set apart for acquisition by the city on any master plan or land use plan or any other plan implementing or executing the same, and approved by the city council. If it shall appear that the property has been so set apart, the city planning director shall determine whether the property should be then acquired and, upon such determination, shall so notify the building official in writing and shall also report the fact to the city planning commission; and the building official shall not issue the permit. Within thirty (30) days after receiving such report, the city planning commission may recommend to the council that the property be then acquired. Should the city planning director determine that the property should not be then acquired and notifies the building official of such determination in writing, or should the city planning commission fail to recommend acquisition of the property within thirty (30) days, or should the council fail to authorize acquisition of the property within thirty (30) days after receiving the recommendation of the city planning commission, the building official shall proceed to consider the application for the permit as hereinafter provided.

(b) If the building official is satisfied that the work described in an application for the permit and the drawings filed therewith conform to the requirements of the building code and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant. (Ord. of 8-14-73, § B-106.1)

Sec. 11-83. Conditions.

The building official shall act upon an application for a building permit with plans as filed, or as amended, without unreasonable or unnecessary delay. In order to give the division of inspections ample time in which to check plans and specifications, no building permit shall be issued for structure requiring the filing of plans and specifications until application for such permit has been on file with the division of inspections for at least twenty-four (24) hours. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of the building code, nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction, or of violations of the building code. Any permit issued shall become

invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced; provided, that for cause, one (1) or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed in writing by the building official. (Ord. of 8-14-73, § B-106.3)

Sec. 11-84. Drawings to be kept at site.

When the building official issues a permit, he shall endorse, in writing, or stamp both sets of plans "Approved." One (1) set of drawings so approved shall be retained by the building official and the other set shall be returned to the applicant. The approved drawings shall be kept at the site of work and shall be opened to inspection by the building official or his authorized representative. (Ord. of 8-14-73, § B-106.4)

Sec. 11-85. Permits issued upon affidavits.

Whenever a permit is to be issued in reliance upon an affidavit as provided in Section 11-91 or whenever the work to be covered by a permit involves construction under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or made the drawings or computations shall supervise such work, be responsible for its conformity with the approved drawings, and forthwith upon its completion make and file with the building official written affidavit that the work has been done in conformity with the approved plans and with the structural provisions of the building code. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are approved by the building official. (Ord. of 8-14-73, § B-106.5)

Sec. 11-86. Repealed (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-86.1. Repealed (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)**Secs. 11-87—11-87.3. Repealed. (Ord. No. O-84-176)**

Editor's note—Sections 11-87 through 11-87.3, pertaining to building, mechanical, plumbing and sign permit fees, respectively, and derived from an ordinance of Aug. 14, 1973, § B-107.4 and an ordinance of Feb. 26, 1974, were repealed by § 3, of Ord. No. O-84-176, adopted June 26, 1984, effective July 1, 1984.

Sec. 11-88. Building valuations.

The owner or his duly authorized agent shall, upon making application for a building permit, furnish the building official with his best estimate of cost of the construction. Upon the completion of the work, he, or his duly authorized agent, shall report to the commissioner of revenue on a form furnished by the inspection division the final cost, including heating, plumbing and lighting of said structure, alteration, addition, improvement or repair. This final cost to be submitted within thirty (30) days after completion of the work. (Ord. of 8-14-73, § B-107.5)

Sec. 11-89. Accurate records.

The building official shall keep a permanent and accurate accounting of all permit fees and other moneys collected, the names of all persons upon whose account the same was paid, the date and amount thereof. (Ord. of 8-14-73, § B-107.3)

Sec. 11-90. Limitation.

An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless before a permit shall have been issued; provided that, for cause, one or more extensions of time for periods of not exceeding ninety (90) days each may be allowed by the building official. (Ord. of 8-14-73, § B-105.5)

Sec. 11-91. Foundation permits.

When application for a permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundations of such building. The holder of such a special permit shall proceed at his own risk and without assurance that a permit for the superstructure will be granted. (Ord. of 8-14-73, § B-106.6)

Sec. 11-92. Demolition permits.

A demolition permit shall carry with it the following requirements: (a) All demolition projects shall be commenced without undue delay and shall be diligently carried on to satisfactory completion and, in any event, shall be completed within ninety (90) days from the date the permit is issued.

(b) When a building has been demolished and no building operation has been projected or approved, the vacant lot shall be cleared of all rubbish and materials, and all excavations shall be filled to existing grade at the original building site so that the premises are left in a safe and sanitary condition. The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public; and provision shall be made to prevent the accumulation of water or damage to any foundation on the premises or the adjoining property.

(c) All sewer lines or connections must be permanently sealed by plugging them with concrete or concrete mortar, and all gas, water and electric services shall be disconnected at the property lines.

(d) It shall be the duty of every person who shall make contracts for the demolition of buildings for which a permit is required to give good and sufficient bond as required by section 11-15.

(e) It is required that the division of inspections be notified upon completion of the demolition project in order that the premises be inspected for compliance with the above requirements. (Ord. of 8-14-73, § B-105.1(d))

Sec. 11-93. Display.

Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and in such position as to permit the building official to conveniently make the

required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy has been issued by the building official. (Ord. of 8-14-73, § B-108.2(b))

Sec. 11-94. Revocation of permit.

The building official may revoke a permit of approval issued under the provisions of this article, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. (Ord. of 8-14-73, § B-103.3)

Secs. 11-95—11-105. Reserved.

ARTICLE IV. INSPECTIONS

Sec. 11-106. Required generally.

The building official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building or structure upon completion, prior to the issuance of the certificate of occupancy. (Ord. of 8-14-73, § B-108.2(a))

Sec. 11-107. Delegation.

The building official may make, or cause to be made, the inspections called for by these requirements. He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. No certificate called for by any provision of these requirements shall be based on such reports unless the same are in writing and certified by a responsible office of such service. (Ord. of 8-14-73, § B-108.1(c))

Sec. 11-108. Specific inspections.

The building official, upon notification from the permit holder or his agent, shall make the following inspections of buildings and such other inspections as may be necessary, and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the law:

- (a) Foundation inspection: To be made after trenches are excavated and forms erected.
- (b) Frame inspection: To be made after the roof, all framing, fire-blocking and bracing is in place and all pipes, chimneys and vents are complete.
- (c) Final inspection: To be made after the building is completed and ready for occupancy. (Ord. of 8-14-73, § B-108.2(c))

Sec. 11-109. Discretionary inspections.

(a) Before issuing a permit the building official may examine or cause to be examined any building for which an application has been received for permit to enlarge, alter, repair, move, demolish or change the occupancy thereof. He shall inspect all buildings and structures from time to time during and upon completion of the work for which a permit was issued.

(b) When deemed necessary by him, he shall make an inspection of materials or assemblies at the point of manufacture or fabrication. (Ord. of 8-14-73, § B-108.1(a), (b))

Sec. 11-110. Records.

The building official shall make a record of every examination and inspection and of all violations of the building code. (Ord. of 8-14-73, § B-108.1 (a), (b))

Sec. 11-111. Concealment of work.

(a) No work shall be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the foregoing three (3) inspections.

(b) No reinforcing steel or structural framework of any part of any building or structure shall be covered or concealed in any manner whatsoever without first obtaining the approval of the building official, the designing architect or engineer.

(c) In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official after all lathing and backing is in place. No plaster shall be applied until the approval of the building official has been received. (Ord. of 8-14-73, § B-108.3)

Sec. 11-112. Tests.

The building official may require tests or test reports as proof of compliance. Tests, if required, are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency. Copies of such test reports or the results of all such tests shall be kept on file in the office of the building official. (Ord. of 8-14-73, § B-104)

Sec. 11-113. Certificate of occupancy—When required.

No new building shall be occupied and no change in occupancy of a building or part of a building shall be made until after the building official shall have issued a certificate of occupancy therefor. (Ord. of 8-14-73, § B-109.1)

Sec. 11-114. Same—Contents of certificate.

Upon completion of a building hereafter erected in accordance with approved plans, and after the final inspection herein referred to, and upon application therefor, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, the allowable load per square foot for each floor in accordance with the provisions of the building code. (Ord. of 8-14-73, § B-109.2)

Sec. 11-115. Same—Temporary occupancy.

A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building. (Ord. of 8-14-73, § B-109.3)

Sec. 11-116. Same—Existing buildings.

A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the building code for the occupancy intended. Where necessary, in the opinion of the building official, two (2) sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the building code for such occupancy, a certificate of occupancy shall be issued. (Ord. of 8-14-73, § B-109.4)

Secs. 11-117—11-123. Reserved.

ARTICLE V. MECHANICAL CODE**Sec. 11-124. General.**

All mechanical systems, both existing and new, and all parts thereof, shall be maintained in a safe condition. All devices or safeguards which are required by this code shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of mechanical systems.

The provisions of this code shall apply to the mechanical installations in all buildings and structures and their appurtenant constructions.

It shall be unlawful to install, extend, alter, repair or maintain mechanical systems in or adjacent to buildings except in conformity with this code.

This code shall apply to mechanical systems and to parts thereof which are hereafter installed in buildings of the occupancy and use group classifications as defined by the building code.

This code shall also apply to existing mechanical systems described in this section as if hereafter installed:

1. Mechanical systems in a building occupied for occupancies or uses other than those for which it was occupied at the time this code became applicable; and
2. Mechanical systems in a building moved within jurisdictional limits subject to this code. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-125. Addition or alteration.

(a) Any addition or alteration, regardless of cost, made to a mechanical system shall be made in conformity with applicable regulations of this code.

(b) Where additions or alterations subject parts of existing systems to loads exceeding those permitted herein, such parts shall be made to comply with this code. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-126. Mechanical installation by property owner.

A property owner may obtain a mechanical permit for work on property owned by him provided the property owner meets all of the following:

- (a) The property owner exhibits evidence of his knowledge of the mechanical code requirements for the proposed job.
- (b) The property owner does the work himself without receiving any compensation for such work.
- (c) Meets all permit requirements and pays the required fees.
- (d) The mechanical work performed by the property owner is inspected by the city's inspection division. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84; Ord. No. O-89-024, § 1, 2-14-89)

Sec. 11-127. Permits required.

Mechanical work shall not be commenced until a permit for such work has been issued by the inspections division. A mechanical permit shall not be transferable. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-127.1. Applications for mechanical permits.

Application for a permit for mechanical work shall be made on forms prepared and provided by the inspections division and shall be accompanied by an adequate description of the proposed mechanical work, plans and specifications, and the application fee established by the inspections division. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-127.2. Denial of permit.

If a permit is denied, written notice of the reasons for denial shall be provided to the applicant who may submit such revised plans and specifications as are necessary to obtain a permit. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-128. Types of plans.

Plans and specifications required by the inspections division in Section 11-127.1 shall show the following:

- (a) Layout for each floor with dimensions of all working spaces and a legend of all symbols used;
- (b) Location, size and material of all piping;
- (c) Location, size and material of all air ducts, air inlets and air outlets;
- (d) Rated capacity in horsepower of all boilers, warm air furnaces, heat exchangers, blower fans, refrigerant compressors and absorption units;
- (e) Location, size and material of all vents and chimneys;
- (f) Location and area of all ventilation and combustion air openings and ducts;
- (g) Location of all air shutters, fire dampers and fire resistive walls with the hourly rating of the fire resistive wall noted thereon;
- (h) The first sheet of each set of plans and specifications shall show the address of the proposed work, the name and address of the owner or lessee of the premises and the name, address and seal of the designer; and
- (i) Plans and specifications shall be of sufficient clarity to show that the proposed installation will conform to the provisions of this code and of all applicable laws, ordinances, rules and regulations of this jurisdiction. When the plans and specifications do not comply with provisions of this code, the necessary changes or revisions shall be made thereto prior to the issuance of the mechanical permit. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-129. Examination of plans.

All plans and specifications required to be submitted shall be examined by the inspections division to determine conformance with the provisions of this code after the application has been filed and the application fee paid in accordance with Section 11-127.1. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-130. Prerequisite to issuance of business license to mechanical installation contractor.

The commissioner of revenue shall not issue any business license to any mechanical installation contractor under Section 36-119 of this code unless such person has received a certificate from the agent of inspections division as a master mechanical fitter or has in his employ a person who has received a certificate as a master mechanical fitter from such agent of inspections division and has furnished the bond required in Section 11-134. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-131. Prerequisites to conducting business of mechanical appliance installation.

No person shall conduct the business of mechanical installation in the city unless such person or at least one bona fide employee of such person shall hold a current certificate as a master mechanical fitter, as provided in Section 11-149, from the inspections division, a business license from the city as provided in Section 36-119 of this code and shall have given a bond acceptable to the city attorney as provided in Section 11-134; except, however, a person who is currently registered with the state as a class "A"

contractor in the specified trade is exempt from the requirements of both this section and Section 11-134. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-132. Suspension or revocation of business license.

The director of community planning and development shall, through the inspections division, revoke or suspend the city business license of any person doing any work of mechanical installation within the city who shall not have first executed and delivered the bond provided for in Section 11-134 and shall revoke or suspend such license for any failure to comply with the provisions of this code or with the rules and regulations of the director of community planning and development insofar as the same may apply to the business of mechanical installations in the city. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-133. Failure to comply with conditions of permit.

Any person who shall neglect or refuse to comply with the conditions of any permit issued to him under Section 11-127 shall have his city business license, as provided in Section 36-119 of this code, suspended or revoked and shall thereby be barred from obtaining permits to do mechanical installations within the city and shall also be subject to any other penalties herein provided. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-134. Indemnity bond—Prerequisite to carrying on business of mechanical installation.

(a) Every person intending to carry on the business of mechanical installations in the city shall, before engaging in such business, execute to the city a bond in the amount of five thousand dollars (\$5,000.00) in a form to be approved by the city attorney. The condition of every such bond shall be to indemnify and save harmless the city from all loss, damage, expense or cost by reason of any claim, suit or action made or instituted against the city, or against any agent or employee thereof, on account of any injury, loss or damage sustained in consequence of any defect in any mechanical installation done by the principal obligor in such bond, or in consequence of any neglect on the part of the principal obligor to guard any such work sufficiently and properly, or in consequence of the use of any improper materials or appliances, or in consequence of any act or neglect of the principal obligor, his agents or employees, in or about any such work.

(b) The city attorney, through the inspections division, shall require that all bonds as required by Section 11-134 shall be renewed upon the expiration of the term for which they may be given and the failure on the part of any person to renew such bond immediately upon the expiration of such term shall have the same effect as if no bond had been given.

(c) Nothing contained in Section 11-134 shall be construed to limit the liability of the principal obligor in any bond as referred to in such section to the amount named as the penalty therein, either to any person injured or to the city. Nothing contained in such sections shall be construed as recognizing on the part of the city any claim or right of action against the city growing out of this section in favor of any person. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-135. Who to be in charge of installation, etc.; who to be present during installation, etc., work.

There shall be a person who has received a certificate as a master mechanical fitter from the inspections division as provided in Section 11-153 in charge of each mechanical installation, alteration or repair and he or a person who has received a certificate as a journeyman mechanical fitter as provided in such section shall be present at all times during the progress of the mechanical installation, alteration or repair work. Nothing in this section shall prevent a property owner from making or maintaining mechanical installations on property owned by him as long as the property owner complies with all the requirements of Section 11-126 of this article. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84; Ord. No. O-89-024, § 1, 2-14-89)

Sec. 11-136. Employment of other than master mechanical fitters.

It shall be unlawful for any owner, agent or tenant of any building, lot or premises to knowingly employ any person to do any mechanical installation work, unless such person employed is licensed as provided in Section 36-119 of this code and holds a certificate as a master mechanical fitter under Section 11-153 or has in his employ a mechanical fitter holding such a master certificate, except as provided in this section. No person other than a registered master or journeyman mechanical fitter shall be allowed to make any mechanical installation, but this provision shall not interfere with the employment of apprentices to work in connection with and in the presence of and under the direct personal supervision of the master or journeyman mechanical fitter. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-137. Fraudulent use of name.

It shall be unlawful for any person licensed to conduct a mechanical installation business or licensed to engage in the mechanical fitter's trade to permit the use of his name by any other person, directly or indirectly, for the purpose of obtaining either a permit or inspection for any mechanical installation work as provided in Section 11-127.

It shall be unlawful for any person to fraudulently make use of the name of any mechanical fitter, holding a certificate as a master mechanical fitter, as provided in Section 11-153, for the purpose of obtaining permits as provided in Section 11-127.

Any person violating any provision of this article, or part thereof, shall be punished as provided in Sections 11-4 and 1-12 of this code and any person convicted for a second violation of this section shall, in addition to the fine hereby imposed, have his license revoked. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-138. Permits for construction, etc., required.

Before the construction, reconstruction, alteration or repair of any portion of the mechanical installation of any building or premises shall be commenced, a permit therefor shall be obtained from the inspections division. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-139. Presentation of application for approval.

An application for a permit to install mechanical equipment, as required by Section 11-127, shall be presented for approval to the inspections division by the master mechanical fitter who is to perform the work. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-140. Issuance generally; appeal in case of refusal.

Upon the approval by the inspections division of an application, and upon the receipt of the necessary fees provided for in this article, a permit shall be issued pursuant to such application; provided, however, that in every case of refusal to issue a permit by the inspections division, the person proposing to do such mechanical installation or make such alteration or repairs may appeal from the decision of the inspections division to the director of community planning and development, whose decision in the matter shall be final. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-141. When issuance prohibited.

No permit as required in Section 11-127 shall be issued to any person while he refuses to comply with any lawful requirements of the inspections division nor while he refuses to pay any fees or charges lawfully assessed against him by the inspections division.

During the time that any revocation or suspension of a city business license by the director of community planning and development under Section 11-132 shall be in effect, no permit as required by Section 11-127 shall be issued to any person affected by such suspension or revocation. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-142. Repealed (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)**Sec. 11-143. Stopping work upon nonissuance or noncompliance.**

The director of community planning and development, the inspectors of the inspections division or members of the fire marshal's office shall stop any mechanical installation for which no permit, as required in Section 11-127, has been issued, or for which said installation is not proceeding according to the terms of the permit issued therefor. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-144. Who may do work authorized; responsibility of person to whom issued.

No work authorized by a permit, as required in Section 11-127, shall be undertaken except by the person to whom such permit is issued or by persons in his employ in accordance with the provisions of this article. The person in whose name such permit is issued shall assume full responsibility for the work. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-145. Copy to be kept at site of work.

Any person doing any mechanical installation work for which a permit, as required by Section 11-127, has been issued by the inspections division, shall keep or cause to be kept at the site of such work a copy of the permit so issued for the duration of the time such work is in progress. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-146. Inspection of mechanical installations —Supervision of inspectors.

The inspectors of the inspections division shall be under the supervision of the director of community planning and development. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-147. Same—Right of entry of inspectors.

At any time during reasonable hours or upon written application of the owner or occupant, or the written complaint of any reputable citizen, or if any of the inspectors of the division shall have reason to believe that improper mechanical installations exist in any building, structure or on any premises, the inspectors of

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the division may enter such building, structure or premises to inspect, or cause to be inspected, or to examine the mechanical installation therein and generally to see that the provisions of this code and regulations which relate to mechanical installations are duly observed and enforced. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-148. Same—Permitting entry of lot or building for inspections, etc.

Every person occupying any lot or building into which gas is introduced or mechanical equipment is installed shall permit any inspector of the inspections division to enter such lot or building and to inspect any mechanical installation work or to see if the provisions of the law have been complied with. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-149. Same—Notice to inspect mechanical installations when inspections made generally; additional inspections.

The mechanical installation contractor or the journeyman fitter shall notify the inspections division when any portion of a mechanical installation is installed in a building, or a part thereof, and such work is ready for inspection.

When the mechanical installations are placed in position and the work completed, the mechanical installation contractor or the journeyman fitter shall report the same to the inspections division for final inspection. Requests for inspections shall be made at least twenty-four (24) hours in advance of the need therefor. If the work is not ready for inspection when the inspector visits the premises for the purpose, the inspection shall be postponed to another day or hour. If on inspection the work does not conform to the requirements of this chapter, additional inspections shall be made until the work does conform therewith, and the inspector may assess a service charge of ten dollars (\$10.00) when additional inspection trips are necessary. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84; Ord. No. O-86-077, § 1, 5-13-86)

Sec. 11-150. Same—Covering work prior to inspection and approval; replacement and inspection of defective work.

No part of a mechanical installation shall be covered by any part of the building structure or otherwise in such a manner as will prevent an inspection thereof until it has been inspected and approved. If such work or part thereof is so covered before being inspected, it shall be uncovered upon the direction of the inspector. If on inspection defective work or material is found, such defective work or material shall be replaced within three (3) days and reinspected. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-151. Same—Notice of completion of installation, etc.; certificates of satisfactory inspection.

Upon the completion of the mechanical installation, or alteration or repair of the mechanical installation in any building, it shall be the duty of the person completing the same to notify the inspections division and to obtain from it a certificate of satisfactory inspection. Upon the refusal of the inspections division to issue such certificate, such person may appeal to the director of community planning and development for permission to use the mechanical installation. The decision of the director of community planning and development shall be final. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-152. Same—Inspection of buildings during erection or repair.

The director of community planning and development may inspect, or cause to be inspected by the inspectors of the inspections division, all buildings in the course of erection or repair in the city to see that the mechanical installation therein conforms to the provisions of this code and other regulations which relate to mechanical installations. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-153. Certification of mechanical fitters and employment of other than master mechanical fitters.

(a) Journeyman. A certificate issued under Section 15.1-11.4 of the Code of Virginia to a person who possesses the necessary ability, proficiency and qualifications to perform the work of installing, repairing and maintaining such tasks:

(1) Utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code; and

(2) According to plans and specifications complying with the Virginia Uniform Statewide Building Code.

The holder of a journeyman certificate shall be limited to the type of work and types of equipment and related apparatus for which certification is granted.

(b) Master. A certificate issued under Section 15.1-11.4 of the Code of Virginia to a person who possesses the necessary ability, proficiency and qualifications to:

(1) Supervise the work of installing, repairing and maintaining specific types of equipment and related apparatus utilizing a working knowledge sufficient to comply with the pertinent provisions of the Uniform Statewide Building Code; and

(2) Plan and lay out the details of installation and specific types of equipment and related apparatus according to plans and specifications complying with the Virginia Uniform Statewide Building Code.

The holder of a master certificate shall be limited to the type of work and types of equipment and related apparatus for which certification is granted. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-154. Evidence of ability and proficiency.

(a) Journeyman. Applicants desiring to obtain certification of journeyman mechanical fitter shall furnish evidence that one or more of the following experience and educational standards have been attained:

(1) Four (4) years of practical experience in the specific area of expertise or directly related area of expertise for which certification is desired.

(2) Successful completion of a registered apprenticeship system established in accordance with the Virginia Voluntary Apprenticeship Act in the area of expertise for which certification is desired.

(3) An associate degree in the area of expertise for which certification is desired and two (2) years of practical experience in the specific area of expertise for which certification is desired.

(4) Bachelor's degree in the study of engineering in a curriculum related to the area of expertise for which certification is desired and one (1) year of practical experience in the specific area of expertise for which certification is desired.

(b) Master. Applicants desiring to obtain certification of master mechanical fitter shall furnish evidence that item 1. below and one (1) or more experience requirements of items 2. through 5. below have been met:

(1) One (1) year of experience in supervision of the installation or repair of the specific types of equipment involved and related apparatus utilized within the specific area of expertise for which certification is desired.

(2) Four (4) years of practical experience in the specific area of expertise or directly related area of expertise for which certification is desired.

(3) Successful completion of a registered apprenticeship system established in accordance with the Virginia Voluntary Apprenticeship Act in the area of expertise for which certification is desired.

(4) An associate degree in the area of expertise for which certification is desired and two (2) years of practical experience in the specific area of expertise for which certification is desired.

(5) Bachelor's degree in the study of engineering in a curriculum related to the area of expertise for which certification is desired and one (1) year of practical experience in the specific area of expertise for which certification is desired. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-155. Examination for determination of qualifications.

Each applicant is hereby required to be examined by the inspections division to determine said qualifications for either journeyman or master mechanical fitter. Such examination for each level of certification shall be in accordance with the following:

- (a) The examination is based on current pertinent provisions of the Virginia Statewide Building Code.
- (b) The examination is provided to the inspections division by the state department of housing and community development. Such examination is administered by the inspections division and returned to the department after the examination has been administered, graded and the applicant certified or denied certification.
- (c) The examination may be administered in either written or oral form to the applicant.
- (d) The examination shall be administered in accordance with the instructions accompanying the examination.
- (e) The inspections division shall provide adequate supervision at the time of the examination to ensure that the applicant does not receive any assistance from any other person in completing the examination.
- (f) The inspections division shall in no way provide the examination or any of its contents to any person or entity other than the applicant. The examination shall not be copied or reproduced by the applicant or any other person.
- (g) The inspections division shall administer the examination to prospective applicants at a time and place established by the inspections division but not less frequently than once every three (3) months and at a location reasonably accessible to the applicant.
- (h) An applicant must successfully answer seventy-five (75) per cent of the questions on the examination to be deemed qualified. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-156. Certification level inclusive.

Certification of master includes certification as journeyman for the type of work and types of equipment and related apparatus for which this certificate is granted. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-157. Alternate qualification method.

Determination by the Virginia State Board for Contractors of compliance with the requirements for licensing in the Commonwealth of Virginia as a class "A" contractor in the specific trade is deemed as substantial compliance with the standards herein relating to qualifications for master in that trade.

Graduates of a registered apprenticeship system who have taken the examination prepared by the state department of housing and community development for journeyman and have successfully answered seventy-five (75) per cent of the questions as a part of their apprenticeship program are deemed to be qualified in accordance with state standards. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-158. Forms of certificate.

Upon satisfactory completion of the requirements of Section 11-154 (a) or (b), as the case may be, the inspections division of the city shall issue a certificate in conformance with the following guidelines:

- (a) It shall state the name and address of the certificate holder and the locality where the certificate was issued.
- (b) It shall state the date of issue and date of expiration of the certificate.
- (c) It shall state the trade for which it is applicable; i.e., mechanical worker.
- (d) It shall state the level of certification for which it is issued; i.e., master or journeyman mechanical fitter.
- (e) It shall specify the types of equipment and related apparatus for which the certificate holder is qualified to work.
- (f) It shall state that the certificate has been issued in accordance with state standards.
- (g) It shall be signed by the authorized representative of the inspections division of the city.
- (h) A certificate shall not be valid unless the authorized signature has been witnessed. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-159. Renewal generally; renewal fee.

The holder of a state certificate as a master mechanical fitter or a journeyman mechanical fitter who continues in active business or occupation may renew his certificate or replace worn or lost cards in the inspections division upon application and payment of a renewal or replacement fee of five dollars (\$5.00) for master mechanical fitter and five dollars (\$5.00) for journeyman mechanical fitter. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-160. Revocation generally.

After hearing and upon satisfactory proof that a certificate as a master mechanical fitter or a journeyman mechanical fitter was obtained through fraud or error or that the holder of a certificate as either a master mechanical fitter or a journeyman mechanical fitter is dishonest, grossly incompetent or repeatedly neglectful of the provisions of this article, the inspections division shall revoke the certificate, whether or not examination was given to the certificate holder by the inspections division. The holder of a certificate shall have written notice of the charges against him and of the time and place of the hearing of the board and shall have the right to be heard. He shall have the right to apply to the director of community planning and development to have his certificate reinstated. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-161. Fees for examination.

The fee for an examination for a certificate as a master mechanical fitter shall be twenty-five dollars (\$25.00), which fee shall accompany the application for a certificate as a master mechanical fitter.

The fee for an examination for a certificate as a journeyman mechanical fitter shall be twenty-five dollars (\$25.00), which fee shall accompany the application for a certificate as a journeyman mechanical fitter. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-162. Discontinuance of gas supply for safety reasons—Authority of gas company.

The gas company may discontinue or refuse to supply gas for any gas piping or gas appliance which may appear to be defective or leaking or otherwise considered to endanger life or property; provided, however, that the gas company shall immediately give notice of discontinuance to the inspections division and the

occupant of the building or premises where such gas supply is discontinued or refused. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-163. Same—Resumption.

In all cases where the supplying of gas has been discontinued for safety reasons, the supply of gas shall not be resumed until authorized by the inspections division. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-164. Pressure regulators—Required.

Where the gas pressure in the street main is in excess of one (1) pound per square inch, an approved gas pressure regulator of sufficient size shall be installed in the service pipe to prevent pressure in excess of one (1) pound per square inch being introduced into the house piping system. This is not intended to prohibit the use of higher pressures for industrial application. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-165. Same—Vent pipes.

A gas pressure regulator or governor requiring access to the atmosphere for successful operation and controlling the gas supply to a building shall be equipped with a vent pipe of wrought iron or steel leading to the outer air. The vent pipe shall not terminate underneath a window or underneath a stoop or porch or in any other enclosed or partially enclosed spaces, nor shall it connect with any other vent or piping. Means shall be employed to prevent water from entering this pipe and to prevent stoppage of it by insects or foreign matter. The vent pipe shall not be of a size smaller than the vent opening on the gas pressure regulator or governor. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-166. Location, etc., of gas meters.

A meter location shall be provided for the building or premises to be served so situated that meter connections are easily accessible and that the meter may be read. Location, dimensions and type of meter installation shall be designated by the gas company. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-167. Opening or connecting with main, etc., by gas fitter not in employ of gas company.

A gas fitter not in the employ of the gas company shall not be permitted to open or make connections with a main, service pipe or other part of the underground supply system which contains unmeasured gas, except with the consent of the gas company and in the presence of its authorized representative. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-168—11-174. Reserved.

ARTICLE VI. PLUMBING CODE

Sec. 11-175. Maintenance.

All plumbing, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this article shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of plumbing. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-176. Plumbing installation by property owner.

A property owner may obtain a plumbing permit for work on property owned by him provided the property owner meets all of the following:

(a) The property owner exhibits evidence of his knowledge of the plumbing code requirements for the proposed job.

(b) The property owner does the work himself without receiving any compensation for such work.

(c) The property owner meets all permit requirements and pays the required fees.

(d) The plumbing work performed by the property owner is inspected by the city's inspection division. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84; Ord. No. O-89-024, § 1, 2-14-89)

Sec. 11-177. Right of entry.

The plumbing inspector shall enforce the provisions of this article and he or his duly authorized representative may enter any building, structure or premises in the city to perform any duty imposed upon him by this article. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-178. Unsafe installations.

All plumbing installations, regardless of type, which are unsanitary or which constitute a hazard to human life, health or welfare are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure as outlined in Section 11-14 "Unsafe Buildings," of this code. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-179. Permit required.

Any duly licensed master plumber who desires to connect any plumbing work with any sewers of the city, sanitary or storm, septic tanks or sewage disposal of any kind, or private connection or install fixtures or appliances in new or existing systems, structures or premises, or repair, or add to any existing plumbing, shall first make application to the plumbing inspector and obtain the required permit. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-180. Condition of the permit.

The plumbing inspector shall act upon an application for a permit for plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed as authority to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this article, nor shall such issuance of a permit prevent the plumbing inspector from thereafter requiring correction of errors in plans or in construction in violation of this article. Any permit issued shall become invalid unless the work authorized by it shall have commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time such work is commenced, or voided; except, however, one (1) or more extensions of time for permits not exceeding ninety (90) days each may be allowed in writing by the plumbing inspector. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-181. General.

No permit shall be valid until the fees prescribed in this article shall have been paid; nor shall any amendment to a permit be approved until the additional fees, if any, shall have been paid. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-182. Failure to obtain a permit.

If any person commences any work on a plumbing installation before obtaining the necessary permit from the city, he shall be subject to the penalty prescribed herein. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-183. Repealed (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)**Sec. 11-184. Inspection required.**

All new plumbing work, and such portions of existing systems as may be affected by new work in any changes, shall be inspected to ensure compliance with all the requirements of this article and with approved plans. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-185. Notification.

(a) It shall be the duty of the plumber to give advance notice to the plumbing inspector when plumbing work is ready for test or inspections. Requests for inspections shall be made at least twenty-four (24) hours in advance of the need therefor.

(b) Plumber's responsibility. It shall be the duty of the plumber to make sure that the work will stand the test prescribed before giving the above notice and to be present or represented at the location of the work when inspections are made.

(c) Retesting. If the plumbing inspector finds that the work will not pass the test, the plumber shall be required to make necessary corrections and the work shall then be resubmitted for inspections. Where additional inspections are necessary for retesting there shall be an additional fee of five dollars (\$5.00) for reinspection. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-186. Material and labor for test.

The equipment, material, power and labor necessary for the inspection and test shall be furnished by the plumber. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-187. Test of water-supply system.

Upon completion of a section or of the entire water-supply system, it shall be tested and proved tight under a water pressure of not less than twenty-five (25) pounds above the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-188. Test of interior leaders or downspouts.

Leaders or downspouts and branches within a building shall be tested the same as in a building drainage system. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-189. Covering the work.

(a) Prior to test. The plumbing system or part thereof shall not be covered until it has been inspected, tested and approved as prescribed in this article.

(b) Uncovering of work. If a plumbing system or part thereof is covered before being inspected, tested and approved as prescribed in this article, it shall be uncovered upon the direction of the plumbing inspector. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-190. Test of defective plumbing.

The drainage system of any building where there is reason to believe that it has become defective, shall be subject to test or inspection. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-191. Certificate of approval.

Upon the satisfactory completion of the roughing-in inspection, approval shall be noted on the plumbing permit card. This approval shall give the date of the roughing-in inspection and the initials of the plumbing inspector. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-192. Final inspection.

Upon the satisfactory completion and final test of the plumbing system, a certificate of approval shall be issued by the plumbing inspector and delivered to the owner. The building shall not be occupied prior to completion of said system and/or issuance of certification of approval. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-193. Licensing and bonding of plumbers.

Before any person, firm or corporation shall engage in the plumbing business within the city, he shall be qualified as set forth herein. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-194. Qualifications of plumbers; certificates.

Whosoever desires to enter the plumbing business or offers plumbing services within the city shall appear before the inspections division for the purpose of submitting to an examination for a certificate, as the city may require, to determine that the qualifications for such certificate have been met. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-195. License and bond required.

Before any person, firm or corporation shall engage in the plumbing business within the city they shall first obtain the proper business license from the commissioner of the revenue and execute to the city a bond in the amount of five thousand dollars (\$5,000.00), in a form to be approved by the city attorney, conditioned that the person, firm or corporation will conform to the provisions of this article, and to ensure that regulations which relate to plumbing installations are closely observed and enforced. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-196. Illegal work—Revocation of certificate.

Any person, firm or corporation engaged in the plumbing business whose work does not conform to the requirements set forth herein, or whose workmanship or materials are of inferior quality, or who is shown to be dishonest or grossly incompetent shall be subject to the revocation of his certificate by the board of plumbing examiners. The holder of a certificate shall have written notice of the charges against him and the time and place of the hearing of the board and shall have the right to be heard. He shall have the right to apply to the director of community planning and development to have his certificate reinstated. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-197. Fraudulent use of name and penalties.

No persons, firm or corporation engaged in the plumbing business shall allow their name to be used by any other person, firm or corporation, directly or indirectly, for the purpose of obtaining either a permit, inspection or for the construction of any class of plumbing work.

Any person violating any provision of this section, or part hereof, shall be punished as provided in Sections 11-4 and 1-12 of this code, and any person convicted for a second violation of this section shall, in addition to the fine hereby imposed, have his license revoked. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-198. Certification of plumbers and employment of other than master plumbers.

(a) Journeyman. A certificate issued under Section 15.1-11.4 of the Code of Virginia to a person who possesses the necessary ability, proficiency and qualifications to perform the work of installing, repairing and maintaining specific types of equipment and related apparatus, and is capable of performing such tasks:

(1) Utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code; and

(2) According to plans and specifications complying with the Virginia Uniform Statewide Building Code.

The holder of a journeyman certificate shall be limited to the type of work and types of equipment and related apparatus for which certification is granted.

(b) Master. A certificate issued under Section 15.1-11.4 of the Code of Virginia to a person who possesses the necessary ability, proficiency and qualifications to:

(1) Supervise the work of installing, repairing and maintaining specific types of equipment and related apparatus utilizing a working knowledge sufficient to comply with the pertinent provisions of the Uniform Statewide Building Code; and

(2) To plan and lay out the details of installation and specific types of equipment and related apparatus according to plans and specifications complying with the Virginia Uniform Statewide Building Code.

The holder of a master certificate shall be limited to the type of work and types of equipment and related apparatus for which certification is granted. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-199. Evidence of ability and proficiency.

(a) Journeyman. Applicants desiring to obtain certification of journeyman plumber shall furnish evidence that one or more of the following experience and educational standards have been attained:

(1) Four (4) years of practical experience in the specific area of expertise or directly related area of expertise for which certification is desired.

(2) Successful completion of a registered apprenticeship system established in accordance with the Virginia Voluntary Apprenticeship Act in the area of expertise for which certification is desired.

(3) An associate degree in the area of expertise for which certification is desired and two (2) years of practical experience in the specific area of expertise for which certification is desired.

(4) Bachelor's degree in the study of engineering in a curriculum related to the area of expertise for which certification is desired and one (1) year of practical experience in the specific area of expertise for which certification is desired.

(b) Master. Applicants desiring to obtain certification of master plumber shall furnish evidence that item (1) below and one (1) or more experience requirements of items (2) through (5) below have been met:

(1) One (1) year of experience in supervision of the installation or repair of the specific types of equipment involved and related apparatus utilized within the specific area of expertise for which certification is desired.

(2) Four (4) years of practical experience in the specific area of expertise or directly related area of expertise for which certification is desired.

(3) Successful completion of a registered apprenticeship system established in accordance with the Virginia Voluntary Apprenticeship Act in the area of expertise for which certification is desired.

(4) An associate degree in the area of expertise for which certification is desired and two (2) years of practical experience in the specific area of expertise for which certification is desired.

(5) Bachelor's degree in the study of engineering in a curriculum related to the area of expertise for which certification is desired and one (1) year of practical experience in the specific area of expertise for which certification is desired. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-200. Examination for determination of qualifications.

Each applicant is hereby required to be examined by the inspections division to determine said applicant's qualifications as either journeyman or master plumber. Such examination for each level of certification shall be in accordance with the following:

(a) The examination is based on current pertinent provisions of the Virginia Statewide Building Code.

(b) The examination is provided to the inspections division by the state department of housing and community development. Such examination is administered by the inspections division and returned to the department after the examination has been administered, graded and the applicant certified or denied certification.

(c) The examination may be administered in either written or oral form to the applicant.

(d) The examination shall be administered in accordance with the instructions accompanying the examination.

(e) The inspections division shall provide adequate supervision at the time of the examination to ensure that the applicant does not receive any assistance from any other person in completing the examination.

(f) The inspections division shall in no way provide the examination or any of its contents to any person or entity other than the applicant. The examination shall not be copied or reproduced by the applicant or any other person.

(g) The inspections division shall administer the examination to prospective applicants at a time and place established by the inspections division but not less frequently than once every three (3) months and at a location reasonably accessible to the applicant.

(h) An applicant must successfully answer seventy-five (75) per cent of the questions on the examination to be deemed qualified. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-201. Certification level inclusive.

Certification of master includes certification as journeyman for the type of work and types of equipment and related apparatus for which this certificate is granted. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-202. Alternate qualification method.

Determination by the Virginia state board for contractors of compliance with the requirements for licensing in the Commonwealth of Virginia as a class "A" contractor in the specific trade is deemed as substantial compliance with the standards herein relating to qualifications for master in that trade.

Graduates of a registered apprenticeship system who have taken the examination prepared by the state department of housing and community development for journeyman and have successfully answered seventy-five (75) per cent of the questions as a part of their apprenticeship program are deemed to be qualified in accordance with state standards. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-203. Forms of certificate.

Upon satisfactory completion of the requirements of Section 11-199 (a) or (b), as the case may be, the inspections division of the city shall issue a certificate in conformance with the following guidelines:

(a) It shall state the name and address of the certificate holder and the locality where the certificate was issued.

(b) It shall state the date of issue and date of expiration of the certificate.

(c) It shall state the trade for which it is applicable; i.e., plumber.

(d) It shall state the level of certification for which it is issued; i.e., master or journeyman.

(e) It shall specify the types of equipment and related apparatus with which the certificate holder is qualified to work.

(f) It shall state that the certificate has been issued in accordance with state standards.

(g) It shall be signed by an authorized representative of the inspections division of the city.

(h) A certificate shall not be valid unless the authorized signature has been witnessed. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-204. Fees for examination.

The fee for a master examination shall be twenty-five dollars (\$25.00) and for the journeyman examination shall be twenty-five dollars (\$25.00) and each must be deposited with the application for examination. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-205. Renewal of certificate.

The holder of a certificate as a master plumber or a journeyman plumber, as provided herein, who continues in active business or occupation, may renew his certificate or replace worn or lost cards in the inspections division upon application and payment of a renewal or replacement fee of five dollars (\$5.00) for master plumber and five dollars (\$5.00) for journeyman plumber. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

Sec. 11-206. Employment of other than master plumber.

It shall be unlawful for any owner, agent or tenant of any building, lot or premises to knowingly employ any person to do any plumbing work unless the said person employed is licensed and registered as a master plumber, except as provided in Section 11-202, and no person other than a registered master or journeyman plumber shall be allowed to make any connection with any water, sewer, drain, soil, waste or vent pipe, or any pipe connected therewith, but this provision shall not interfere with the employment of apprentices to work in connection with and in the presence of and under the direct personal supervision of a master or journeyman plumber. (Ord. No. O-84-179, § 2, 6-26-84, eff. 7-1-84)

ARTICLE VII. ELECTRICAL CODE**DIVISION 1. GENERALLY****Sec. 11-218. Enforcement; electrical inspector.**

The provisions of this article shall be enforced by the inspections division of the department of community planning and development. One of the inspectors of the inspections division shall possess all the qualifications necessary for registration as a master electrician and shall be known as the electrical inspector. As far as consistent with the efficient operation of the inspections division, the duties herein vested in the inspections division with reference to the electrical code shall be carried out by the electrical inspector. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-219. Penalty.

Any person violating any of the provisions of this article for which no penalty is specifically provided, or any of the requirements made of him by an inspector under authority of this article shall, upon conviction, be punished as provided in Section 11-4 of this code. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-220. General powers, duties of inspections division.

The inspections division shall examine the plans and inspect all electrical installations of any character whatsoever and all other work provided for in this article; see that all ordinances and regulations now in force, or which may hereafter be ordained, which relate to electrical installation, are strictly enforced; sign and issue all notices and certificates; keep proper records; issue permits to those entitled thereto and collect fees therefor; and prosecute those guilty of violating any of such regulations. The inspectors of the inspections division shall be under the supervision of the director of community planning and development, and the director is hereby empowered to inspect, or cause to be inspected by the inspectors of the division, all buildings in the course of erection or repair in the city, to see that the electrical installation therein conforms to the regulations hereinafter provided for, and also, at any time during reasonable hours, on the written application of the owner or occupant, or on the written complaint of any reputable citizen, or when any of the inspectors of the division believe that improper electrical installations exist to inspect, or cause to be inspected, any house, building or premises in the city and to examine the electrical installation therein and generally to see that the regulations hereinafter provided for are duly observed and enforced. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-221. Right of entry.

Every person occupying any lot or building into which electricity is introduced shall permit any officer of the inspections division to enter such lot or building, and to inspect all electrical wiring used for the transmission of current for light, heat and power, or to see if the provisions of the law have been complied with. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-222. Termination of dangerous conditions.

(a) Any inspector of the inspections division shall also make a like examination whenever so requested in writing by any citizen, or when he may deem it in the public interest. If the director of community planning and development or any inspector of the inspections division shall find after examination that such electrical construction, wiring or apparatus is in such a condition as to endanger life or property, he shall forthwith cause the current to be cut off, unless such defective conditions are immediately remedied.

(b) The director of community planning and development, inspectors of the division, or any other officer of the law shall stop any work pertaining to electrical installation for which no permit has been issued or which is not proceeding in accordance with the terms of a permit therefor. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-223. Procedure before interfering with electrical wires.

It shall be unlawful, except as herein provided, for any person erecting scaffolding, putting up signs, altering or changing plumbing, repairing or painting buildings, or in any other way, to cut, break or in any other manner to interfere with the arrangement of any electrical wires whatsoever inside or outside of any building, without first notifying the inspections division in writing at least twenty-four (24) hours before such contemplated work is begun, and it shall be the duty of the inspections division to direct the owners of such wires to make necessary alterations; and upon their failure to do so within forty-eight (48) hours after such instructions, the obstructing or interfering wires may be removed by the contractor under the supervision of the inspections division, and the cost of removing the same shall be paid for by the owner of such wires. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Secs. 11-224—11-234. Reserved.**DIVISION 2. ELECTRICAL APPEALS BOARD****Sec. 11-235. Established.**

There is hereby created and established an electrical appeals board in and for the city. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-236. Composition.

The board shall consist of two (2) representatives from the department of community services of the city, one of whom shall be secretary of the board, one representative of the electric power company, one registered master electrician and one registered journeyman electrician. The latter three (3) members shall be in good standing in their respective business or profession in the city. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-237. Appointment.

The members of the board shall be appointed by the city manager. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-238. Terms.

The city representatives on the board of examiners of electricians shall serve from March 17, 1943, until their successors are appointed by the city manager. Of the remaining members, one shall serve for a period of one year from such date, one shall serve for a period of two (2) years from such date, and one shall serve for a period of three (3) years from such date. Thereafter, each member shall be appointed for a three (3) year term, and until his successor is appointed and qualified. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-239. Filling vacancies.

In the case of any vacancy in the membership of the board of examiners of electricians, the city manager shall fill such vacancy for the unexpired term. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-240. Compensation.

The members of the board of examiners of electricians shall serve as such without compensation. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-241. Chairman.

The board of examiners of electricians shall elect its own chairman from its membership. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-242. Examinations generally.

The board shall meet at such times as may be fixed by the board, notice of which shall be given to all interested parties in accordance with state law and city ordinances. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-243. Powers, duties generally.

The board of examiners of electricians shall have all the powers and be subject to all the restrictions provided by state law and city ordinances, and shall have such other powers and perform such other duties as may be designated from time to time by the city council. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Secs. 11-244—11-254. Reserved.**DIVISION 3. CERTIFICATES OF REGISTRATION****Sec. 11-255. Work to be under charge of a registered electrician.**

There shall be a registered electrician in charge of each electrical installation, alteration or repair, and he shall be present at all times during the progress of the electrical work. Nothing in this chapter shall prevent a property owner from making or maintaining electrical installations on property owned by him as long as he does not receive compensation from any source for performing such electrical work; provided, however, this section shall not be construed as exempting a property owner from obtaining the appropriate permits, from paying the required fees therefor or from having the electrical work performed by the property owner inspected by the city's inspection division. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-256. Employment of other than master electricians.

It shall be unlawful for any owner, agent or tenant of any building, lot or premises to knowingly employ any person to do any electrical work, unless the person employed is licensed and registered as a master electrician, and no person other than a registered master or journeyman electrician shall be allowed to make any electrical installation. This provision shall not interfere with the employment of apprentices to work in connection with and in the presence of and under the direct personal supervision of the master or journeyman electricians. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-257. Electricians' examination—Determination of qualifications.

Each applicant shall be examined by an agent appointed by the Commonwealth of Virginia to determine his qualifications. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-258. Contractor's license—Issuance restricted.

The commissioner of the revenue shall not issue any license to any electrical contractor under Chapter 36, tax code until such person has been registered as a master electrician by the Commonwealth of Virginia, or has in his employ a registered master electrician, and has furnished the required bond. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-259. Same—Qualifications.

No person shall conduct the business of electrical contracting in the city until such person, or at least one (1) bona fide local employee of such person, shall hold a certificate as master electrician from the Commonwealth of Virginia, a license from the city as provided in chapter 36 and shall have given a bond acceptable to the city. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-260. Same—Bonds.

(a) Every person intending to carry on the electrical contracting business in the city shall, before engaging in such business in the Commonwealth of Virginia as a class "B" contractor, execute to the city a bond, in the penalty of five thousand dollars (\$5,000.00), having as surety some bonding or surety company approved by the city attorney. The condition of every such bond shall be to indemnify and save harmless the city from all loss, damage, expense or cost by reason of any claim, suit or action made or instituted against the city, or against any agent or employee thereof on account of any injury, loss or damage sustained in consequence of any defect in any electrical work done by the principal obligor in such bond, or in consequence of any neglect on the part of such principal obligor to guard any such work sufficiently and properly, or in consequence of the use of any improper materials or appliances, or in consequence of any act or neglect of the principal obligor, his agents or employees, in or about any such work.

(b) It shall be the duty of the director of community planning and development through the inspections division to require that all such bonds shall be renewed upon the expiration of the term for which they may be given, and the failure on the part of any person to renew such bond immediately upon the expiration of such term shall have the same effect as if no bond had been given.

(c) Nothing contained herein shall be construed to limit the liability of the principal obligor in any such bond to the amount named as the penalty therein, either to any person injured or to the city. But nothing herein contained shall be construed as recognizing on the part of the city any claim or right of action against the city growing out of this article in favor of any person.

(d) The director of community planning and development through the inspections division is hereby authorized and directed to revoke or suspend the electrical license of any person doing any electrical work without having first executed and delivered to the director of community planning and development the bond herein provided for, and also to revoke or suspend such license for any failure to comply with the ordinances of the city so far as the same may apply to the electrical business in the city and during the time

that any order of the director of community planning and development shall be in effect. No permit to do any electrical work in the city shall be granted to any person affected thereby. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-261. Same—Replacement of master electrician.

In the event of the resignation or discharge of an employed master electrician, the electrical contractor shall employ another master electrician within the time limits prescribed by the Commonwealth of Virginia. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-262. Same—Suspension, revocation.

Any person conducting the business of electrical contracting who shall neglect or refuse to comply with the provisions of this article or with the conditions of any permit issued by the inspections division shall have his license suspended or revoked and shall thereby be barred from obtaining permits to do electrical work for such time as the director of community planning and development may deem just and proper and shall also be subject to any other penalties herein provided. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-263. Fraudulent use of licensee's name.

(a) It shall be unlawful for any person holding a license to conduct the electrical business or to engage in the electrical trade to permit the use of the name of such person by any other person, directly or indirectly, for the purpose of obtaining either a permit or inspection for any electrical work.

(b) It shall be unlawful for any person to fraudulently make use of the name of any registered master electrician for the purpose of obtaining permits for the doing of any class of electrical work.

(c) Any person violating any provision of this section, or part thereof, shall be punished as provided in section 11-4 of this code and in addition to the fine hereby imposed, may have his license revoked. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Secs. 11-264—11-268. Reserved.

DIVISION 4. PERMITS AND INSPECTIONS

Sec. 11-269. Permits required—Generally.

No installation, alteration or repairs shall be made in the wiring of any building nor shall any building be wired for electric light, heat or power unless an application is first submitted to the inspections division of the department of community planning and development on forms provided for the purpose. Upon the approval of such application by the inspections division, and upon the receipt of the necessary fees provided for in this article, a written permit therefor shall be issued; provided, that in every case of refusal to issue a permit by the inspections division the person proposing to do such wiring or make such alteration or repairs may appeal from the decision of the inspections division to the director of community planning and development, whose decision in the matter shall be final. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-270. Same—Construction in streets.

No electrical devices or fixtures shall be constructed, erected, strung, laid, maintained, changed or altered above, below or in any street, avenue, park or public place in any part of the city, nor shall any extension of the electrical conductors, either overhead or underground, be made without the written consent of the inspections division; provided, that for any work contemplated which will require any disturbance of the

streets or excavations in them, or the placing of any obstruction in such streets, such permit from the inspections division shall be approved by the city manager.

In every case of refusal of a permit by the inspections division, the person who has been refused such permit may make application to the city manager for such permit, whose decision shall be final. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-271. When permits not to be issued.

No permits shall be issued to any licensed electrician while he refuses to comply with any lawful requirements of the inspector nor while he refuses to pay any fees or charges lawfully assessed against him by the inspector. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-272. Permits not transferable; responsibility for work.

No work authorized by an electrical permit shall be undertaken except by the electrician to whom such permit is issued or by persons in his employ. The electrician in whose name the permit is issued shall assume complete responsibility for the work. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-273. Stop work orders.

The director of community planning and development, inspectors of the division or any other officer of the law shall stop any work pertaining to an electrical installation for which no permit has been issued or which is not proceeding in accordance with the provisions of the permit therefor. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-274. Notice to inspect installations; reinspections.

(a) It shall be the duty of the electrical contractor or journeyman electrician to notify the inspections division when the wires, conduits, etc., are run in a building, or part thereof, and such work is ready for inspection. When fixtures are placed in position and the work completed, the electrical contractor or the journeyman electrician shall report the same to the inspections division for final inspection. Requests for inspections shall be made at least twenty-four (24) hours in advance of the need therefor. If the work is not ready for inspection when the inspector visits the premises for the purpose, the inspection shall be postponed to another day or hour.

(b) If the work on inspection does not conform to the requirements of this article, additional inspections shall be made until the work does conform herewith. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-275. Covering work; replacing defective work or material.

No part of an electrical installation shall be covered by any part of the building until it has been inspected and approved. If such work or part thereof, is covered before being inspected, it shall be uncovered upon the direction of the inspector. If, on inspection, defective work or material is found, such defective work or material shall be replaced within three (3) days and again inspected. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Sec. 11-276. Certificates of satisfactory inspection.

Upon the completion of the wiring, or alteration or repair of the wiring, of any building for light, heat or power, it shall be the duty of the person completing the same to notify the inspections division and to obtain from it a certificate of satisfactory inspection. Upon the refusal of the inspections division to issue such certificate, such person may appeal to the city manager for permission to use such wiring. The decision of the city manager shall be final. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Secs. 11-277—11-281. Reserved.

DIVISION 5. TECHNICAL REGULATIONS

Sec. 11-282. Adoption of code.

All electrical construction, materials and appliances used in connection with electrical work, and the operation of all electrical apparatus in the city shall conform to the rules and requirements of the National Electrical Code, 1996, as amended, and all future editions of the national electrical code published by The National Fire Protection Association, for the installation of wiring and apparatus for electrical purposes and such rules and requirements are hereby adopted as a part of this chapter. Copies of such rules and regulations so adopted may be obtained at the office of the electrical inspector during regular business hours. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98)

Secs. 11-283—11-287. Reserved.

ARTICLE VIII. FEES

Sec. 11-288. Code enforcement fees.

No permit shall be issued until the required fees shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the dimensions or size of the building or structure, shall have been paid.

(a) Building permits.

The fee shall be based on the floor area to be constructed as computed from the exterior building dimensions at each level.

(1) Comprehensive building permit; inclusive of building structure, electrical system, plumbing system and mechanical system.

Covers new construction, additions, alterations, and/or renovations requiring building permits.

a. Residential construction.

For Use group R (per the BOCA National Building Code/1996 - Chapter 3) the fee shall be twenty-five cents (\$0.25) flat fee per square foot of gross floor area of living area.

For unfinished basements, garages, carports, sheds, decks and porches the fee shall be ten cents (\$0.10) flat fee per square foot of gross floor area.

Minimum fee—\$100.00

b. Non-residential construction.

For Use Groups A, B, E, I, M, U (BOCA) the fee shall be twenty-one cents (\$0.21) flat fee per square foot of gross floor area.

For Use Groups F, H, S (BOCA) the fee shall be eleven cents (\$0.11) flat fee per square foot of gross floor area for buildings up to 100,000 square feet. The fee shall be seven cents (\$0.07) flat fee per square foot of gross floor area for buildings that exceed 100,000 square feet.

Minimum fee—\$100.00

(2) Limited building permit (for building structure only); exclusive of electrical, plumbing and mechanical systems. (Refer to sections (b), (c), or (d) as required).

The limited building permit may be obtained only when a comprehensive building permit is not applicable.

Covers new construction, additions, alterations, and/or renovations requiring building permits.

a. Residential construction. For detached, one and two-family residential buildings, the fee shall be twelve cents (\$0.12) per square ft. of gross floor area of living space.

For unfinished basement areas, garages, carports, porches, decks and sheds, the fee shall be seven cents (\$0.07) per square foot of gross floor area.

For all residential buildings other than detached one- and two-family dwellings, the fee shall be sixteen cents (\$0.16) per square foot of gross floor area of living space up to and including one thousand (1,000) square feet.

For one thousand one (1,001) square feet up to and including two thousand (2,000) square feet, the fee shall be one hundred fifty dollars (\$150.00) for the first one thousand (1,000) square feet plus twelve cents (\$0.12) per square foot or fraction thereof.

For two thousand one (2,001) square feet up to one hundred thousand (100,000) square feet, the fee shall be two hundred thirty (\$230.00) for the first two thousand (2,000) square feet plus ten cents (\$0.10) per square foot or fraction thereof.

For one hundred thousand one (100,001) square feet or more, the fee shall be ten thousand one hundred dollars (\$10,100.00) for the first one hundred thousand (100,000) square feet plus nine cents (\$0.09) per square foot or fraction thereof, without limit.

Minimum fee - \$25.00

Roofing and siding alternations exceeding 100 square feet, the fee shall be twenty-five dollars (\$25.00).

b. Non-residential construction. For any floor area up to and including one thousand (1,000) square feet, the fee shall be eighteen cents (\$0.18) per square foot or fraction thereof.

For one thousand one (1,001) square feet up to and including two thousand (2,000) square feet, the fee shall be one hundred fifty dollars (\$150.00) for the first one thousand (1,000) square feet plus twelve cents (\$0.12) per square foot or fraction thereof.

For two thousand one (2,001) square feet up to and including five thousand (5,000) square feet, the fee shall be two hundred seventy-five dollars (\$275.00) for the first two thousand (2,000) square feet plus ten cents (\$0.10) per square foot or fraction thereof.

For five thousand one (5,001) square feet up to and including ten thousand (10,000) square feet, the fee shall be five hundred eighty dollars (\$580.00) for the first five thousand (5,000) square feet plus nine cents (\$0.09) per square foot or fraction thereof.

For ten thousand one (10,001) square feet or more, the fee shall be nine hundred fifty dollars (\$950.00) for the first ten thousand (10,000) square feet plus six cents (\$0.06) per square foot or fraction thereof, without limit.

Minimum fee - \$40.00

Roofing and siding alterations exceeding 100 square feet the fee shall be ten cents (\$0.10) per square foot of area.

(3) Manufactured housing and industrialized building units: (single and doublewide manufactured homes, industrialized buildings, mobile office units, etc. with approved factory and state labels):

a. singlewide manufactured homes—\$75.00

- b. doublewide manufactured homes—\$100.00
- c. Industrialized buildings—\$150.00

Basement fees shall be established at the same rate as for the use group of the structure involved, and in no case less than the minimum fee for that use group.

(4) Elevator permit and inspection fees:

a. New elevator permit fees:

1. Elevator permit fee. Installation of passenger and freight elevators shall be seventy-five dollars (\$75.00) for each elevator.

2. Escalator (moving stairway) permit fee. Installation of escalators—The fee shall be thirty-five dollars (\$35.00) per escalator installation. Semiannual permit renewal fee shall be eight dollars (\$8.00) per escalator.

3. Dumbwaiter permit fee. Installation of dumbwaiters—The fee shall be twenty-five dollars (\$25.00) per installation.

4. Lift permit fee. Installation of lifts—The fee shall be twenty-five dollars (\$25.00) per installation.

5. Repair or alteration of elevators, escalators, dumbwaiters, or lifts in existing buildings or structures—The minimum permit fee shall be sixteen dollars (\$16.00).

b. Existing elevator inspection administrative fees:

1. Existing elevators are required to be inspected by a state qualified elevator inspector every six months. Elevator owner shall pay an administrative fee to the city of forty-two dollars (\$42.00) per elevator for each inspection.

2. Elevator owner shall pay an administrative fee to the city of seventy-five dollars (\$75.00) per elevator when a city official is required to conduct an on-site visit.

3. Elevator owners shall pay an administrative fee to the city of seventy-five dollars (\$75.00) per elevator to retrofit existing elevator(s). (Permit required).

4. Elevator owner shall pay an administrative fee to the city of thirty-five dollars (\$35.00) per appeal.

(5) Moving buildings or structures: (All use groups)

Relocating—\$100.00

Basement fees shall be established at the same rate as for the use group of the structure involved, and in no case less than the minimum fee for that use group.

(6) Demolition of buildings or structures: (All use groups)

For each residential building or structure demolished the fee shall be two hundred fifty (\$250.00).

For each commercial/multi-family/industrial building or structure demolished the fee shall be four hundred dollars (\$400.00).

(7) Towers, antennas, and similar regulated structures:

Structural fee—\$100.00

(8) Swimming pools or similar regulated structures:

Flat fee—\$50.00

(9) Miscellaneous buildings and/or structures (All use groups): Buildings and structures not specifically covered by this schedule shall be classified by the building commissioner with fees to be determined by that classification.

(10) Asbestos removal permit: the fee shall be thirty dollars (\$30.00).

(11) Signs: The permit fee for installation of new signs will be based on the total square footage per sign.

0-50 square feet—\$50.00 per sign

50 square feet and over—\$100.00 per sign

Temporary signs and banners: the fee shall be twenty-five dollars (\$25.00) per sign or banner.

(12) Tent and membrane structures: Structures that cover an area of more than 900 square feet, including connecting areas or spaces with a common means of egress or entrance or which are used or intended to be used for the gathering together of more than fifty (50) persons. Fee—\$50.00

(b) Electrical permits.

(1) New service and upgrades:

0 to 200 amps—\$25.00

200 to 300 amps—\$50.00

300 to 400 amps—\$75.00

400 and over—\$75.00 plus \$10.00 per additional 100 amps or portion thereof

(2) Electrical permits – no service involved: For all electrical permits in which no service is involved a base fee of twenty-five (\$25.00) dollars plus fifty cents (\$0.50) per outlet, light, and switch installed.

(c) Plumbing permits.

(1) A base fee of twenty-five dollars (\$25.00) for installation or replacement of fixtures or any plumbing device listed by definition or as determined by the building official to be a fixture and shall include commercial as well as domestic equipment.

In addition: For each plumbing fixture and plumbing device as described above, the fee shall be ten dollars (\$10.00).

(2) For building sewers—\$30.00

The above fees for all categories shall also apply to rough-ins, replacements and moving fixtures.

(d) Mechanical permits.

The permit fee for installation of new mechanical equipment will be per unit of mechanical equipment including but not limited to:

(1) For one- and two-family dwellings, R-1, R-2 and R-3:

For issuing each permit:

Residential—\$20.00

In addition:

For each gas range installation—\$8.00

For each water heater installation—\$8.00

For each gas space heater installation—\$8.00

For each floor furnace installation—\$8.00

For each warm air furnace installation—\$8.00

For each boiler installation—\$8.00

For each conversion burner installation—\$8.00

For each stoker installation—\$8.00

For each fuel tank installation; oil or gas—\$8.00

For each clothes dryer installation—\$8.00

For each central air conditioner installation—\$8.00

For each heat pump or air handling unit installation—\$8.00

Ductwork—\$8.00

(2) For R-4 and R-5, business, commercial and industrial:

For issuing each permit—\$30.00

In addition:

For each gas range installation—\$10.00

For each water heater installation—\$10.00

For each unit heater installation—\$10.00

For each gas space heater installation—\$10.00

For each low pressure boiler installation—\$10.00

For each conversion burner installation—\$10.00

For each clothes dryer installation—\$10.00

For each stoker installation—\$10.00

For each fuel tank installation; oil or gas—\$10.00

For each central air conditioner installation—\$10.00

For each heat pump or air handling unit—\$10.00

For each warm air furnace installation—\$10.00

For each exhaust system—\$10.00

For each miscellaneous gas burning appliance or appurtenance and gas piping—\$10.00

(3) For each chiller, high pressure boiler, cooling tower, sprinkler system [under one hundred (100) heads], standpipe system [up to six (6) valves], range hood, etc., the fee shall be fifteen dollars (\$15.00). For sprinkler systems [one hundred (100) heads and over], and standpipe systems [over six (6) valves], the fee shall be thirty dollars (\$30.00).

(4) The above fees shall also apply to replacement and/or relocation of above equipment.

(e) Plan review fees.

When required by the building commissioner, construction documents shall be referred to a qualified and approved plan review service. All fees and costs related to the performance of the plan review service shall be the responsibility of the building owner.

(f) Amusement devices.

Permit fees for carnivals, fairs, festivals and like activities that utilize amusement devices will be based on the number of major and spectacular rides.

All amusement devices shall be governed and inspected according to the Virginia Amusement Device Regulations.

(g) Reinspection fees.

A reinspection fee of twenty-five dollars (\$25.00) shall be charged for each additional inspection when any of the following reasons are the cause of the additional inspection:

- (1) wrong address
- (2) repairs or corrections not made when reinspection requested
- (3) work not ready when inspection requested
- (4) premises locked or inaccessible

(h) Building code appeals.

A one hundred dollar (\$100.00) filing fee shall be charged for each appeals application submitted to the board of building code appeals. All appeals shall be governed according to the Virginia Uniform Statewide Building Code (USBC).

(i) Flat fee.

Flat fee covers all electrical, plumbing, mechanical and building structure work. (Ord. No. O-98-173, 7-14-98, eff. 9-1-98; Ord. No. O-00-105, 5-23-00, eff. 7-1-00)

Sec. 11-289. Waiver of code enforcement fees.

Any of the code enforcement fees required by Sec. 11-288 of this article may be waived for a business which is designated as a technology business and which business locates in either of the city's technology zones on or after July 1, 2002. The city's director of economic development, after consultation with the Lynchburg Industrial Development Authority, will determine which, if any, code enforcement fees will be waived. (Ord. No. O-02-054, 3-26-02)

Secs. 11-290—11-294. Reserved.

